

“Ordering the Age”: Terms of Political Discourse in the Imperial Statecraft Compendia (1827–1903)

INAUGURALDISSERTATION

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Abbreviations and Citation Conventions

HCJSWB	He & Wei (1827): Huangchao jingshi wenbian 皇朝經世文編
HCJSWBB/ZHANG	Zhang (1851): Huangchao jingshi wenbian bu 皇朝經世文編補
HCJSWXJ/RAO	Rao (1882): Huangchao jingshiwen xuji
HCJSWXB/GE	Ge (1896): Huangchao jingshiwen xubian 皇朝經世文續編
HCJSWXB/SHENG	Sheng (1897): Huangchao jingshiwen xubian 皇朝經世文續編
HCJSWSANB/CHEN	Chen (1897): Huangchao jingshiwen sanbian 皇朝經世文三編
HCJSWXINB/MAI	Mai (1898): Huangchao jingshiwen xinbian 皇朝經世文新編
HCJSWTB/SHAO	Shao (1901): Huangchao jingshiwen tongbian 皇朝經世文統編
HCJJWXB/YJS	Yijinshi zhuren (1901): Huangchao jingjiwen xinbian 皇朝經濟文新編
HCJJWB/QZQZZR	Qiu ziqiang zhai zhuren (1901): Huangchao jingji wenbian 皇朝經濟文編
HCJSWSIB/HE	He (1902): Huangchao jingshiwen sibian 皇朝經世文四編
HCJSWXBXJ/GAN	Gan (1902): Huangchao jingshiwen xinbian xuji 皇朝經世文新編續集
HCJSWBWJ/QSZ	Qiushizhai zhuren (1902): Huangchao jingshi wenbian wuji 皇朝經世文編五集
HCXAWB/YU	Yu (1903): Huangchao xu'ai wenbian 皇朝蓄艾文編
WYQJ	Wei (2004): Wei Yuan quanji 魏源全集
QSG	Zhao (1977): Qingshigao 清史稿
CALIS (2010)	Zhongguo gaodeng jiaoyu wenxian baozhang xitong guanli zhongxin (2010): Online meta catalogue of mainland Chinese university library holdings (rbcs.calis.edu.cn) 中國高等教育文獻保障系統
DBCMA GC	National Palace Museum (n.d.): Database of Ch'ing Palace Memorials and Archives of the Grand Council (http://npmhost.npm.gov.tw/ttscgi/ttswebnpm) 清代宮中檔奏摺及軍機處檔摺件
QSL/SZ	Official compilation (n.d.): Shizong xian huangdi shilu 世宗憲皇帝實錄
HYDCD	Luo (1990): Hanyu da cidian 漢語大詞典
SB	Green Apple Data Center (2010): Shenbao (1872–1949) digital edition (www.huawenku.cn/html/huawenkuguihua/ruxuanbaokan-20120306856.html) 申報

Introduction

THIS DISSERTATION EXAMINES the use of four of ubiquitous polarities in the political-administrative discourse of the Qing dynasty as represented in the Imperial Statecraft Compendium (Huangchao jing-shi wenbian 皇朝經世文編, hereafter HCJSWB), printed in 1827, and its sequels. The compendia appeared between 1827 and 1903 and include writings on theoretical and practical aspects of government and administration from all reigns of the Qing dynasty. The polarities that this dissertation focuses on, REN-FA, MING-SHI, GONG-SI and LI-YI, have been a part of the political-administrative discourse since at least the Warring States period (475–221 BC) and still play a role in the political discourse of the People's Republic of China. The authors of the writings included in the statecraft compendia employed the polarities to structure their arguments by addressing aspects of administrative problems that are in tension and must be brought into balance. The polarities served to formulate questions such as the following. What is the optimal balance between local discretion and central regulation within the bureaucracy, and how can it be established? How to ensure that officials fulfill their duties? Can civil servants be motivated with the prospect of private benefit while still ensuring that they decide in the public interest in their day-to-day administration? How to extract enough revenue to maintain the functional capacities of the state without burdening the people excessively? These questions are questions that have no universally valid answers, but must be answered in the context of concrete circumstances.

The statecraft authors employ the dynamic frame of reference that the polarities present to formulate their context-dependent answers to expedient problems, rather than formulating general principles of government. They use the polarities and the idioms and loci classici which they figure in as a common point of departure with their audience. The polarities and idioms are used rhetorically in William D. Grampp's sense, who writes that to "interpret the ideas of the past according to the problems of the present is not history – it is rhetoric or argumentation."¹ The polarities and the concerns they are used to express are part of a "language of efficacy". This language of efficacy is concerned with external efficacy in terms of the state achieving its goals and the bureaucracy performing its primary tasks of taxation, adjudication, border defense and infrastructural maintenance, and with internal efficacy in performing internal tasks such as the making and communicating of laws, recruitment, managing and controlling of the members of the bureaucracy. The goal of this dissertation is to learn more about the political language of a period in intellectual history that is comparatively under-researched as compared to the ones that precede and follow it but has exerted a formative influence on later periods, and to show how shared concerns about internal aspects of the Chinese bureaucracy manifested in shared vocabu-

¹Grampp (1965), p. 100.

lary. Most importantly, this dissertation aims to show shifts in usage by proceeding from what did not change (the terms of the language) to what did change (the meaning or usage of the terms). The terms representing the four polarities and a number of prominent idioms in which they appeared retained their popularity in political discourse as China ushered into the twentieth century. The meaning of the terms and the ideas expressed with the terms and idioms continued to change with their appropriation to new contexts, filled with new terms adapted from abroad, as it had done in previous periods.

THE QING STATECRAFT COMPENDIA were a series of voluminous administrative anthologies published between 1827 and 1903. The series started with the HCJSWB published in 1827 by the financial commissioner of Jiangsu, He Changling 賀長嶺 (1785–1848), and chiefly compiled by his private secretary Wei Yuan 魏源 (1794–1857). The compendia were compiled as anthologies, that is, they collect writings that had originally appeared in other contexts, such as official and local gazetteers, individual scholar-officials' collected works, administrative handbooks, and later increasingly the periodical press. Most of the editors had close ties to reform-oriented high provincial officials (governors-general, governors, financial commissioners) and their views were representative the moderate views of the reform-minded officialdom. Genres present in the compendia include memorials and other official communication, essays and treatises, examination essays, letters and paratexts. The HCJSWB includes writings from the Shunzhi (1638–1661) until the early Daoguang reign (1820–1850). Five sequels appeared before 1898 and included writings from the Daoguang reign until their time of publication, as well as a few writings from earlier reigns. The sequels that appeared after 1898 concentrate mostly on writings of the Guangxu reign. One important point mentioned in the preface of the HCJSWB that editors of subsequent compendia subscribed to was the presentation of mundane and practical administrative writing together with theoretical writings on scholarship and the essence of government. Another important point was the juxtaposition of alternative, even opposing views in order to allow for synthesis and compromise adapted to specific contexts.

The compendia were noticed and read by the great provincial officials associated with self-strengthening such as Zeng Guofan, Zuo Zongtang and Zhang Zhidong, as well as by the reformers Kang Youwei and Liang Qichao. Maybe even more importantly, though, extant reading diaries and the reflection of changes to the form and content of the civil service examinations in the content and print runs of the compendia show that the compendia served scholars in their preparation for civil service examinations. This means they were consulted and read by the broad mass of ordinary literati striving for public office.

By the early 19th century it had become characteristic of statecraft essay writing to employ “ancient-style prose as a medium of political expression and New Text theory as a vision of institutional change”.¹ Statecraft writing converged with periodical press journalism of both post-1895 reform press and earlier established commercial press by the late 19th century. New concepts that entered the established

¹Elman (1990), p. 308.

discourse throughout these periods were merged into the “old rhetoric”.¹ In order to establish a better basis for understanding the process of how new concepts entered the discourse, this dissertation tracks the use in argument of a number of terms that were part of the “old” statecraft rhetoric, the four polarities REN-fa, MING-SHI, GONG-SI and LI-YI, over the course of the 19th century. The time frame covered by the statecraft compendia represents the time before and during the large scale reception of political, philosophical and economic theories and practices from Europe and the United States of America. The in-depth study of this period is crucial for assessments of what intellectual transformations the influx of these theories and practices induced, and what role indigenous developments played, on the other hand.

THE WAY THIS DISSERTATION FRAMES its research questions and how it approaches its sources is influenced by John G. A. Pocock’s contributions within the Cambridge school of political thought and intellectual history.² Pocock posits that the study of the history of human thought is at the same time a meaningful and possible endeavor. He argues that the study of human thought can offer valid descriptions and explanations of human action. He further argues that it is possible to distinguish between right and wrong interpretations of historical documents and to reconstruct the meanings of historical utterances, and that it is legitimate to attempt to recover the author’s intentions (that is, their “projects” or what they were “doing” with the texts). According to Pocock, historians uncover (or discover) languages in texts. These languages are the shared idioms, rhetoric, specialized vocabularies and grammars that authors use to reach their “rhetorical goals”.³ Pocock’s attitude has been aptly phrased in Vanheste (2007) as “certainty does not exist in intellectual history, but this does not imply that we should abandon aiming at convincing interpretations, based on the available evidence.”⁴ Vanheste also suggests that the Cambridge school’s common denominator in terms of methodology is a “logic of question and answer”, the assumption that “understanding any proposition requires us to identify the question to which the proposition may be regarded as an answer”.⁵ While this seems very general, it can be taken quite literally with the texts in the statecraft compendia. Many of the writings are written quite in a straight-forward manner and propose solutions to problems. Related to this logic is the methodological requirement to study “texts in context”. Texts must be situated in their linguistic, ideological, political, etc. contexts in order to understand the issues, conventions and vocabulary of the period investigated and thus avoid anachronistic interpretations. However, they should not be reduced to their social or political context.⁶ Studying texts in context necessitates inquiries about the specific debate or issue that

¹Janku (2003), p. 206.

²Pocock (1971); Pocock (2009)

³Pocock (2009)

⁴Vanheste (2007), p. 14.

⁵Vanheste (2007) quoting Quentin Skinner quoting Robin G. Collingwood. Vanheste (2007), p. 13.

⁶This requirement rejects the dichotomy between text and context in the process of interpreting historical documents that the Cambridge school criticizes liberalist and Marxist modes of analysis established when dominant in the 1960s. According to the Cambridge school’s critique, liberalist analysis tends to overemphasize the text, which is impermissible because text must be situated in its linguistic, ideological, political etc. context in order to understand the issues, conventions and vocabulary of the period investigated and thus avoid anachronistic interpretations. Marxist analysis overemphasizes contextual

a text is part of. It may otherwise be simply impossible to get what the author is talking about. It also means to gather as many facts about the person of the author as one can in order to be able to put the author's "rhetoric" into perspective. This dissertation thus takes words as point of departure that tend to reoccur and cooccur and have a central rhetorical function and lend a structure to the argument. It analyzes their meaning and shifts in their meaning by observing how they are used and used in connection with each other, and by drawing conclusions as to what sort of problems they address, what concerns they manifest and to which overarching questions they connect.

REFLECTING ON THE DIFFICULTIES confronting the student of Qing intellectual history, Metzger (1973) notes to have "increasingly come to feel that if one asks about a particular Ch'ing political value, the answer lies in dissecting an ambivalent attitude consisting of a variety of prominent, partly contradictory statements made over the centuries and all eliciting widespread respect in the Ch'ing period. No doubt this characteristic of ambivalence is typical of value systems in other societies as well." Metzger goes on to note that there were still quite many "famous ideas" that "were widely accepted as true, and many phrases and ideas in Ch'ing documents were conventional and noncontroversial; the norms and attitudes found in this conventional material almost by definition had general significance".¹

To focus on language is to recognize that meaning can only be inferred from use and that terms change their meaning through use in different contexts. The appropriation of linguistic idioms to new contexts that they were not previously intended for plays an important role for political and social change.² Guy (2010) writes about the function of language in political change that "the process of political change in early modern empires was often one of drawing new meanings out of old linguistic figures, or developing new metaphorical comparisons".³ Rowe (2002) observes that in late imperial China, idioms that constituted "part of the common ground" of political-economic discourse "were available to articulate members of the discourse community to draw on in ways that contested the very assumptions they were conventionally resumed to convey".⁴

This dissertation studies some of the many phrases and ideas that constitute the "conventional material" in an attempt to gain a better understanding of the norms and attitudes or at least the shared concerns that they manifest. That is, this dissertation sets out to proceed from the seizable and concrete, language, which authors use to act and persuade, to meaning, that is, the concerns, norms, and attitudes manifested through language, that are removed from our direct grasp by one layer of interpretation. The terms constituting the four polarities discussed in this dissertation are of an abstract and ambivalent nature. The "famous ideas" emerging from "conventional phrases" figuring these polarities are therefore particularly open to reinterpretation. A focus on the four polarities provides ample opportunity

factors and tends to end up in social or political reductionism.

¹Metzger (1973), p. 25.

²See, for example, the well-written synopsis of discourse theory in Cabrera et al. (2001).

³Guy (2010), p. 357. This does not exclusively apply to political change and not exclusively to early modern empires.

⁴Rowe (2002), pp. 289–290.

to observe authors starting out from the same polarity or conventional phrase and arriving at opposite conclusions.

AN ISSUE THAT PUZZLED ME in my studies of Sinology was an apparent zero-sum logic displayed by some participants in ideological debates across Chinese history. The pattern of attack employed by said participants against their opponents in debate was to attack the other side's approach as immoral and bound to fail because it erroneously focused on a certain aspect X, and that this lead them to the neglect another aspect Y. The attackers present their program as giving aspect Y its due weight. Examples of such debates are the arguments of the opposition to Wang Anshi's reforms represent the moral worth of persons (REN) and the soundness of institutions (FA) as mutually exclusive; the debates on the reform of the Chinese legal system in the first years of the twentieth century, the so-called "Rites-versus-law controversy" (li-fa zhi zheng 禮法之爭), that represented Confucian moral norms and the (Western) legal system as mutually exclusive; or, more recently, the arguments of the opponents of the "Charta '08" represent ideas from the West and China as mutually exclusive.

Concretely, what perplexed me was that aspects X and Y were in all cases aspects that seemed complimentary or even mutually dependent on each other, while the historical participants in the debates seemed to view them as dichotomies, as two things that could not go together. What had puzzled me about the debates Wang Anshi had with his political opponents was that his critics seemed to attack Wang Anshi for ignoring the moral integrity of his officials because he wanted to design sound institutions.¹ What perplexed me about the debates on the reform of the Chinese legal code at the end of the Qing was not that the conservative camp did not want to see women receiving equal status before the law, nor that they would invoke ritual orthodoxy to back up their demands. It was that their rhetoric seemed to imply that there existed a dichotomy between ritual propriety and (Western?) law. The only explanation I had was that they were apparently failing to account for the fact that (Western or any other) law can perfectly well enshrine the inequality of persons of different gender, race or religion, has done so throughout history. They seemed to presume that (Western) law per definition implied the equality of sexes. But this left me puzzled why none of the contemporary or later observers of the debates had commented on this point that seemed so important for the understanding of the debate. What perplexed me about the critics of the Charta '08 was not that they regarded the Charta '08 as unfit for China, but that in the way this debate was conveyed to me by commentators at the time, the Chinese critics seemed to imply that it was unfit for China because it was based on a Western model. I missed the

¹Reading Rowe (2002) and Levine (2008), we get the expression that the debates seem to have been full of arguments building on polarities. For example, Sima Guang's oft-cited argument against Wang Anshi's fiscal and economic policies was that "the wealth produced by Heaven-and-earth is finite in amount; the more is held by the government, the less remains to be held by the people" 天地生財止有此數; 不在官則在民. Sima's zero-sum logic rejected Wang Anshi's idea that per-capita economic product could be increased, and that concentration of more economic resources in the hands of the state did not necessarily conflict with popular welfare. "Sima's complacent dictum on the finite nature of wealth became a nearly unchallenged point of departure for later economic planners" advocating a "pullback from state activism in the economy". Rowe (2002), p. 286.

logical link as to how this claim could stand because it is obviously not the case that all Western societies form a collective opposite in how they function to the Chinese society.

The key to my understanding of these arguments and the logical link I was missing was provided by Schwartz' (1959) discussion of polarities in Confucian thought and Tillman's (1982) development of the concept and its operation in ideological debates discussed below. This resolved my perplexity: maybe the discussants in the above-mentioned debates were simply taking for granted that the two poles were compatible. Attacking their opponents of gravitating to one pole instead of the other was maybe simply their way of saying that they were so obsessed with one aspect that they were forgetting about the other aspect and that the two had to be balanced because they were both indispensable.

THE FOUR POLARITIES DISCUSSED in this dissertation are pairs of concepts that refer to aspects of reality that are intricately related and render each other intelligible. The polarities examined in this dissertation are frequently used like opposites, but they are actually correlatives. They differ from pairs of concepts such as hot and cold, male and female which are not polarities by the definition of this dissertation. They are rather like the poles of a magnet, they are two aspects of one and the same thing, that come into existence by looking at the thing from different angles. They are reciprocally related elements that can be looked at separately but function together to perform a single function. Both aspects fulfill indispensable functions, therefore, one is not "better" than the other. This dissertation looks both at instances where the terms act as independent concepts, as well as instances where they are used in compounds (such as ren fa 任法, zhifa 治法).¹

Due to the abstract nature of the terms, authors may differ in their use of the polarities. The classical pair of aspects captured by the REN-FA polarity is the role of human agency (REN) and standardized procedures (FA) for the efficacy of institutions. Derived from this is the the polarity described by the need for central standardization of policies (FA) and the need to adapt policies to local circumstances to make them work (REN). Another derivative example of such conflicting aspects is the need to control officials actions (FA) and the need to keep the workload connected to such control (book keeping, reporting etc.) at a manageable level for all parties involved so as to allow officials to properly perform their primary tasks (REN).

On the most basic level, the MING-SHI polarity refers to the name of an object and its physical reality. In the context of administration, MING may refer to an official title and its connected responsibilities and SHI to the actual performance of the bearer of the title, that may or may involve fulfillment of the responsibilities. MING may also refer to a regulation or a whole framework of regulations and SHI to their efficacy in the sense of whether they are implemented and complied with or not. Relatedly, MING can be interpreted as the formal authority the central government and its commands and SHI to informal power devolved to the regional level.

¹Note that fazhi 法治 - renzhi 人治 is not a common pair of concepts in the statecraft literature studied and is therefore not discussed.

GONG and SI refer to different spheres of the social. SI refers to the personal or private sphere of the individual or its immediate social environment, such as family and friends. GONG is the public sphere of the clan, community or state. This basic meaning is extended to refer to interests related to these spheres, the private interests of the individual or his immediate circle and the public interests or “public good” of the collective. In particular, the GONG-SI polarity is used to refer to the professional interest of an official to act to the benefit of his jurisdiction and his private interests such as growing or keeping together his material wealth or return his friends, proteges and relatives favors. Another derived meaning is “partial” and “impartial”, in terms of a perspective that is informed by personal interests only and an impartial perspective founded on an appreciation of the “public good” and a broad consultation of sources of information.

In the context of the LI-YI polarity, LI refers to benefit, advantage, or profit. YI is “righteousness” and functions as the touchstone deciding whether LI refers to righteous benefit or unrighteous profit. Righteous profit is defined as mutual benefit of the involved parties or the collective benefit of the people. Benefit on the cost of others, for example, embezzlement of public funds or abuse of official power, is generally associated with unrighteousness. Unrighteous are also tax laws that unduly burden the people. Authors employ the LI-YI polarity to formulate different answers to the questions as to how to extract enough revenue to maintain the functional capacities of the state without burdening the people excessively. Some authors restrict benefit compatible with righteousness to measures that secure the subsistence of the people such as the promotion of knowledge of agricultural techniques that maximize yields and ritual propriety that promotes frugality and social peace. Other authors extend the scope of righteous benefit to include a much greater range of economic and fiscal measures that conform to their criterion of benefiting the people.

“POLARITY” BECAME POPULAR AS AN analytical term in post-war Anglo-Saxon philosophy. Sheldon (1944) and Lloyd (1966) use polarity as an analytical term in their discussion of different European and non-European systems of thought. Sheldon employs polarities as a structural device in his discussion of different systems of thought and to formulate his own synthetic metaphysical system.¹ According to Sheldon, the awareness for polarities is part of a proper philosophical attitude that includes an acceptance of complementary truths obtained by contrasting perspectives. Norris (1956) attempts a philosophical generalization of the concept of polarity under the title “Polarity, a Philosophy of tensions among values” and viewed it as an attempt to come to terms with the diversity and multifariousness in the world. Lloyd (1966) studies the role of polarities in Greek thought. Lloyd claims that the way in which both polarity and analogy were used in Greek philosophical and cosmological thought changed decisively with the evolution of logic, with Plato and Aristotle contributing decisive impulses. Before Plato, most thinkers who based their arguments on opposites tended to see them as exhaustive and mu-

¹Polarities discussed by Sheldon include idealism and materialism, fixed structure and process, mind and body, one and many, metaphysics and action.

tually exclusive, or to regard one as positive and the other one as negative, which often lead to fallacies. Plato solved the problem by postulating the law of contradiction that stated the conditions for mutual exclusiveness. Aristotle formulated the full range of modes of opposition.

The first Sinologist to employ the concept of polarity in the discussion of classical Chinese thought was (to my knowledge) Benjamin Schwartz. Schwartz (1959) introduces the metaphor of polarity to “deal with certain themes within Confucianism” that cannot be identified “as antithesis, contradiction, and dichotomy because the alternatives in question were regarded by the Master and by most orthodox Confucianists not as antithetical but as inseparably complementary”. Schwartz identifies three polarities in Confucian thought that are intimately related, but do not simply correlate with each other, namely self-cultivation (xiuji 修己 or xiushen 修身) and harmonizing of the world (zhiguo ping tianxia 治國平天下), the inner (nei 內) and the outer (wai 外) and knowledge (zhi 知) and action (xing 行).¹ As it became obvious “over the course of centuries [...] that tensions existed between the poles in question; that some men gravitated to or toward one pole rather than the other in spite of their nominal commitment to both”, “[a]ntagonisms often developed when one thinker felt another one overemphasized one side of the polarity and failed to perceive the fundamental relationship between the two poles or elements”.² This approach is not unhelpful for making sense of historical debates in general, and the debates in the statecraft compendia in particular. Most of the time, what discussants really accuse each other of is not that the opponent gravitates to one pole where he should gravitate to the other, but that he neglects one of the poles, where he should embrace both in a balanced way. The two concepts only seem to represent dichotomies for the discussants on the surface of the discourse. A focus on polarities in discourse does not deny that below the surface debates were often “enmeshed with economic and social interests”. But, for the benefit of analytic clarity, it allows to focus on the arguments and ideological aspects.³

The outlook of Chinese scholar-officials has repeatedly been described as a multi-dimensional spectrum in which certain polarities form the axes along which individuals positioned themselves. Metzger (1973) observes the basic polarities Confucianism and Legalism, particularism and universalism, radicalism and realism.⁴ He points out that radicalist and realist tendencies regularly, though not always, correlated with other attitudes, including large-scale reforms of the society-at-large vs. bureaucratically internal reforms, notably the recruitment of better officials; top-down reform vs. reform on a local basis or with regard to a single institution; fear and/or moral solidarity vs. remunerative, material incentives as basic way of eliciting obedience from the people; monocausality vs. multicausality; discussion of administrative problems in general principles vs. organizational details; “fundamentalist” stress on the validity of the classics vs. appreciation of a larger variety of sources of validation, especially history.

¹Schwartz (1959), pp. 52–62.

²Tillman (1982), p. 29, about Schwartz’ concept of polarity.

³Schwartz (1959), p. 52.

⁴Metzger (1973), pp. 65–79. Metzger writes that radicalism’s point of departure is “the euphoric idea that good government is easy if the ruler will adopt the right policies”, writings take the form of “prescription for easy and full political success”. “Realism, on the other hand, focused on the difficulty of putting into effect even good policies.” Metzger (1973), p. 75.

Tillman (1982) draws on the concept of polarity in his study of the disputes between Chen Liang 陳亮 (1143–1195) and Zhu Xi 朱熹 (1130–1200) during the Southern Song dynasty (1126–1271). Tillman suggests to extend Schwartz' list with the polarities of erudition vs. essentialism, virtue/integrity (de 德) and achievement/results (gong 功), standard/absolute/permanent (jing 經 a.k.a. the dao) vs. the expedient/relative/temporary (quan 權). Tillman aptly describes the rhetorical function of polarities.

“Virtually all Confucians were at least nominally committed to the premise that both sides of these polarities were necessary and complementary; however, there were also tensions between polarities. Antagonisms often developed when one thinker felt another overemphasized one side of the polarity and failed to perceive the fundamental relationship between the two poles or elements. Relative priorities assigned to elements of these polarities provide a way to identify divergent nuances among thinkers.”¹

Tillman observes that Chen and Zhu used “Confucian polarities”, notably the tension between the morality of personal virtue and the morality of social results, and between integrity and utility, to debate their “fundamental political orientations”.² According to Tillman, Chen Liang and the gongli xuepai 功利學派 (school of utility) he is associated with tended towards visible social results, did not completely neglect morality but advocated the cultivation and reinforcement of personal virtue through rituals and social norms. Many prominent representatives of late Ming and Qing statecraft thought

¹Tillman (1982), p. 24.

²Tillman (1982), pp. 24–29 and 134–152. The standpoint Chen Liang wanted to express, Tillman argues, was that an ethic of maximizing political and social results was good in itself. Tillman notes that the reunion of polarized concepts was the common feature of Chen Liang's writings of his late teens until those written a few months before his death. Chen Liang wrote about the simultaneous importance of the civilian and martial ways, the way of the ruler and the way of the teacher, as well as the way of the king and the way of the hegemon. The fragmentation of the dao in post-classical times had led thinkers such as Mencius and Xunzi to focus solely on the king and reject the hegemon. The detrimental consequence of this had been the formation into of two equally radical and equally inadequate camps: one championing moral basis of ruling, and one championing rewards and punishments. Instead, Chen Liang argued, the king and hegemon, the personal virtue of the ruler and the results he obtained should be unified, which meant concretely, for example that a ruler who fulfilled the material of the people conformed with the ideal of the kingly way. For Chen Liang, integrity and utility, and the king and the hegemon, were one concept, not two parallel concepts. Chen Liang fused the ideal of the king with the anti-ideal hegemon by declaring that both scored equal by the standard of social end results obtained. Confucius had “washed clean” the image of the kings of the Three Dynasties when editing the classics in order to create an “ideal type” of purity that he could defend against the Daoists. Later generations had failed to understand Confucius intent. In reality, Confucius had espoused an ethics of end results, as was evident, for example, from his evaluation of Guang Zhong. Zhu Xi rebuked this on the grounds that Chen Liang was seeing things the wrong way round. Real and long-term benefit was unattainable without true personal virtue. Benefits could never be the goal. Otherwise, success and failure would become the sole criteria of right and wrong, regardless of the means employed. Instead, integrity should be one's goal, and benefits would always follow as result. Zhu Xi passes over Chen Liang's assumption that the historical kings of the Three Dynasties had not been as ideal as Confucius had depicted them, and that Confucius had simply obliterated their personal weaknesses and failures in his pedagogical intent to construct an ideal that later generations could follow. Even if ordinary people could not attain the perfection of the sage kings, the high ideals and moral standards could never be abandoned in exchange for some second-rate ideals and relative standards. He rejected Chen Liang's unification of king (kings of the Three Dynasties) and hegemon (great Han and Tang emperors) as fallacy. While their results obtained by both (peace and unity) were equal on the surface, only the kings had been driven by the right motivation and their minds had been truly humane. The hegemons had only achieved what looked like the effects of humaneness and had faked being humane in their heart-minds (for example, Tang Taizong had pretended readiness to listen to Confucian admonitions).

such as Gu Yanwu, Yan Yuan and Gong Zizhen cited Chen Liang, which shows that his writing was not regarded as esoteric or off the point.¹ The debate between Wang Anshi 王安石 (1021–1086) and his political opponents unfolding in the context of Wang’s disruptive reform projects in the Northern Song (960–1126) predated the Southern Song exchange between Chen Liang and Zhu Xi. The debate featured all four polarities discussed in this dissertation and is referenced several times in the following chapters.²

THIS DISSERTATION ARGUES THAT THE SELECTED concepts are part of and link to the central concerns of a “language of efficacy”. This language of efficacy is concerned with efficacy in terms of the state achieving its goals and the bureaucracy performing its primary tasks of taxation, adjudication, border defense, infrastructural maintenance etc. The efficacy with which a bureaucracy performs primary tasks and achieves its goals (external efficacy) critically depends on the efficiency with which certain tasks of internal organization, such as the making and communicating of laws, and the recruitment, management and control of the members of the bureaucracy, are performed (internal efficiency). A crucial underlying concern of the texts collected in the statecraft compendia is therefore the effective control of the bureaucracy’s members. Note that moral aspects such as law abidance and non-corruption play a role for both external efficacy (“moral performance”) and internal efficiency.

Men (REN) and regulations (FA, or, depending on the context methods, standards or institutions) form the building blocks of government and there the basic “building blocks of efficacy”. REN most often refers to members of the bureaucracy who are responsible for operating the bureaucracies institutions and complying to their internal rules and procedures. REN may also refer to the governed, that is, the people as a whole or the inhabitants of a particular administrative subunit. On a more general level, REN refers to human agency and FA to predetermined rules and frameworks. This dissertation calls MING-SHI and GONG-SI the “conditions of efficacy” because in discussing the congruence between name (MING) and actuality (SHI) and the appropriate balance of public (GONG) and private interest (SI), authors reason about the conditions of efficacious government. Such conditions are, for example, the correspondence of official responsibilities and performance or between formal and informal systems in the bureaucracy, and the proper balance of an orientation towards the public good and a motivation by private interests. LI and YI are called the “goals of efficacy” because the congruence of benefit (LI) and righteousness (YI) is often evoked in the discussion of the proper goals and ends of government. The congruence of the two is reached when governance serves first and foremost the people, not the state.

Metzger (1973) and Kiser and Tong (1992) provide useful theoretical frames for the relationship of control, internal efficiency and external power. Metzger examines control, efficacy and power from the perspective of the bureaucracy, while Kiser and Tong take the perspective of the rulers. Metzger links organizational control to the bureaucracy’s efficiency which he regards as determinant of the bureau-

¹Tillman (1982), p. 9 and Feng (2002), p. 22.

²See Levine (2008). Further examples of Sinologist scholarship employing polarity as an analytical term are, for example, Cheng (1991), pp. 185–217 and Huang (2001).

cracy's power. Kiser and Tong link the ruler's control of officials to the level of official corruption, a major cause of inefficiency, which they regard in turn as determinant of the ruler's power. Power here is, in Kiser and Tong's definition, the ability of the ruler to carry out chosen policies. Corruption is broadly defined as actions of state agents against the interests of the ruler. In Confucian statecraft ideology as it is reflected in the writings collected in the statecraft compendia, both the ruler's and the bureaucracy's goals are the material and spiritual well-being of the people. Efficiency and power is the means in this ideological view of governance, while the goal is the happiness of the people and cosmic order. In Metzger's and Kiser and Tong's analytical perspective, power is the end, not the means.¹

Metzger (1973) underlines the significance of internal aspects of the Qing bureaucracy by pointing out that internal aspects affected the efficiency of the Qing bureaucracy and thereby its power. According to Metzger (1973), the efficiency with which the Qing bureaucracy performed its primary tasks "was a major aspect of power: the more efficiently the bureaucracy performed its primary tasks, the greater its power relative to its own society and foreign ones".² The primary tasks are any bureaucracy's *raison d'être*, they include taxation, adjudication, border defense, infrastructural maintenance etc. The efficiency with which the Qing bureaucracy performed its primary tasks depended considerably on how successfully tasks related to the internal organization were performed. Those internal tasks include the making and communicating of laws, and the recruitment, management and control of the members of the bureaucracy. The proposition that internal conditions affected the efficiency and power of the bureaucracy also "accords with the prominent outlook in imperial China whereby proper *lizheng* 吏政 (management of governmental personnel) was regarded as the foundation of effective and good government".³ The writings collected in the statecraft compendia are representative of this outlook that linked *lizheng* with the resulting bureaucratic discipline (*lizhi* 吏治) which they in turn regard as crucial determinant of order (*zhi* 治). It also conforms with Wei Yuan's comment in the preface that the success or efficacy of community granaries and the *baojia*-system of collective neighborhood organization depends on the "management of government personnel", and many other statements by authors in the statecraft compendia.

Kiser and Tong (1992) approach the problem from the perspective of a principal-agent model, arguing that the ability of rulers to control state officials is a primary determinant of the rulers' power. They proceed from the fact that rulers have to delegate a substantial part of their authority to state officials because they cannot rule a state alone. They propose to disaggregate the strength of rulers into autonomy and power. Chinese rulers had more policy-making autonomy than their European counterparts, but not necessarily more power. Autonomy refers to the ability of rulers to make decisions about state policies independently, whereas power refers to the ability to actually carry out the chosen policies. Kiser and Tong argue that the ability to control state officials "provides the key to understanding the condi-

¹This matches Dunstan's (2006) the assessment of the Manchu emperors' attitudes and Polachek's (1992) assessment of the interests of parts of the bureaucracy. Polachek (1992), p. 7.

²Metzger (1973), p. 2.

³Ibd.

tions under which rulers will be able to translate their autonomy into power”.¹ A ruler who cannot control the actions of his agents may end up with little power. Corruption, broadly defined as state agents acting against the interests of the rulers, decreases the power of the ruler.² Because corruption can basically occur as soon as the agent’s interests diverge from the ruler’s interests, the ruler has to find a way to control (monitor and sanction) the official to make his behavior conform to the ruler’s objectives, at a cost as low as possible. Kiser and Tong argue that rulers will invest in control if it provides a net benefit because the costs of control are lower than the costs incurred due to lack of control (corruption). With effective control mechanisms, a small expenditure on control can purchase a large decrease in corruption, while ineffective control mechanisms manifest in high control and corruption costs.

Important types of control mechanisms mentioned by Kiser and Tong are related to recruitment, task structure, monitoring, sanctioning, and training. Officials should be recruited on the basis of merit, not ascribed characteristics, and on the basis of dependence, because dependent officials are easier to control. Location and content of officials’ tasks should be restructured to exclude officials from districts in which they had landed property and relatives and have them rotate frequently. Clear assignment of duties makes corruption easier to detect, while setting up bureaucratic rules limits officials’ discretion. The ruler can employ both positive and negative sanctions, to motivate and deter in order to alter behavior to match the expectations. Training can foster the internalization of professional norms, but it may also help fostering long-term relationships that facilitate collusion and raise costs of control. Since all control strategies come with associated costs, whether a ruler uses them or not depends on the relation of costs and benefits entailed and also the resources available to the ruler.

The control of bureaucratic personnel was one of the tasks of internal organization of the bureaucracy, besides the making and communication of laws, and the recruitment and management of personnel. The efficacy with which the bureaucracy carried out its primary tasks, that is, all economic, cultural and coercive activities that represented the output of the bureaucracy, e.g. taxation and maintenance of law and order, depended critically on how well tasks of internal organization were performed. In his discussion of the imperial bureaucracy in the Qing dynasty, Metzger (1973) points out that “frank acceptance of the fact that men may be crass and self-centered and that it is only prudent in designing public institutions to insist upon checks and balances and to provide objective rather than subjective restraints on the uses of power” was the rule, rather than the exception. However, we also find criticism of over-regulation that promotes apathy among bureaucrats and wastes energies. An overarching question in the statecraft compendia is what kinds of external control (externally imposed restrictions) of people in positions of power are most efficient in combination with what kinds of internal control (voluntary compliance to rules and self-restriction)? Many authors emphasize that the standard for determining the right balance should not be the capacities of the “saint” (shengren 聖人) or the “worthy” (xian 賢)

¹Kiser & Tong (1992), p. 301.

²The three types of fiscal corruption in Kiser & Tong (1992), p. 303, can serve as illustrations of what kinds of deviant behavior this can imply: undervaluation of taxpayers’ assets in exchange for bribes; stealing part of the gross tax revenue; collection of tax rates above the official tax rates, usually in the form of surcharges.

official, but what can be expected of the by practical and moral standards “averagely talented individual” (zhongcai 中才 or 中材).

The first chapter of this dissertation introduces Wei Yuan’s career and thought, provides an analysis of the preface and editorial principles, as well as the structure of the HCJSWB. The second and third chapters present the use of the four polarities in the writings collected in the statecraft compendia published before 1898. The second chapter is dedicated to the analysis of the polarity of REN and FA that represents the basic building blocks of Qing dynasty discourse on governance and administrative efficacy. The chapter provides an overview of the use of the polarity in pre-Qing discourse and in the pre-1898 compendia, and then discusses its function in debates on civil governance, taxation, public granaries and the salt monopoly. The third chapter follows a similar structure in analyzing the MING-SHI, GONG-SI and LI-YI polarities. The fourth chapter examines the use of the four polarities in the writings collected in the statecraft compendia published after and including 1898, to show shifts and continuities in the use of each of the polarities.

This dissertation takes Pocock’s notion of “languages” literal and looks at a subset of the shared vocabulary which statecraft authors used to structure arguments (that is, the terms which they employed to refer to different aspects of or perspectives on a problem) and with which they attempted to convince their audience. The subset consists of four pairs of concepts ubiquitous in political-economic discourse of late imperial China, the polarities REN-FA, MING-MING-SHI, GONG-SI and LI-YI. These polarities are characterized by an inner logical tension. They at times seem like dichotomies at first sight but are not, most authors rather view them as complementary aspects that have to be brought into proper balance. This dissertation takes the polarities as a lens or entry point into the political-administrative discourse of the statecraft compendia. It examines how the polarities are used to structure the discussion of concrete problems, tries to understand the more general concerns that authors articulate with these terms and argues they are part of a language of efficacy.

The statecraft compendia consulted as primary sources in this dissertation collect essays, official communication, letters, later increasingly newspaper articles on all topics related to government, with a focus on texts proposing practical pragmatic solutions. They form a coherent section of Qing political discourse and circulated widely, as is evident from statistics of their appearance in historical book shop lists, library holdings, and their mentioning in prefaces, letters, diaries. The statecraft compendia are not collections of unorthodox pamphlets, their editors and authors are for the most part of the political establishment, and therefore representative of the progressive mainstream currents. The Imperial Statecraft Compendia, especially the original HCJSWB published in 1827 and the Huangchao jingshi wen xubian 皇朝經世文續編 (Sequel to the Imperial Statecraft Compendium) of 1888, remained in print and circulated widely after 1900.¹ Previous scholarship of the last fifty years suggests that the state-

¹See the material collected in Zhou (2005) that also qualifies the view that the Shanghai book market consisted largely of translations of Western books. For evidence of the progressive official establishment consulting the statecraft compendia, see Lin (1994); Gong (2004).

craft movement is where to look for important missing links between the high Qing and last years of the Qing and the early Republic, and regards the editor of the HCJSWB, Wei Yuan, one of its founding figures.

Schell and Delury have described the HCJSWB as a “Legalist” whole assembled from Confucian parts.¹ A “Legalist” whole can only be created from Confucian parts if the individual parts already contain a “legalist” spirit. Such a spirit pervades the practical oriented writing of the statecraft compendia if we regard the Legalists with Graham (1989) as the first thinkers to start not from how men ought to be but how they are.² But this does not imply a conception of man that sees man acting only out of fear of harsh laws and desire for material rewards, while loyalty and benevolence do not exist. Polarities are one way to express that “there is truth in both points of view” and to defend expedient solutions. Harsh laws are not the solution of choice in the HCJSWB nor in its sequels because they are not regarded as universally efficacious: “laws (FA) that prohibit what men (REN) must do will not stand” 強人之所不能，法必不立；禁人之所必犯，法必不行。³ Wei Yuan’s focus on efficacy has been noted by Liu Guangjing.⁴ Wang Biao notes that Wei Yuan redefined “the Way” (dao 道) by declaring effectiveness and utility (shiyong 實用; youyong 有用) to be the dao’s basis for value judgments and key selection criterion instead of abstract values and behavioral standards (lixing daode 性理道德).⁵ Guy (2010) regards the focus on efficacy as part of the new “political theology” introduced by the Yongzheng emperor. The dissertation shows the focus on efficacy is a common characteristic of the writings included in the HCJSWB and its sequels.

¹Schell & Delury (2013), p. 20.

²Graham (1989), p. 269.

³HCJSWB/SHENG, 8:6a.

⁴Liu (1984)

⁵Wang (2008)

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A “manifesto” and its subscribers

THIS CHAPTER INTRODUCES Wei Yuan’s career and thought, provides an analysis of the preface and editorial principles, as well as the structure of the HCJSWB. Liu Guangjing (1984) calls the preface of the HCJSWB written by the young Wei Yuan the “manifesto the the statecraft movement”.¹ The preface strongly affirms the importance and value of the study of practical statecraft, that combines a familiarity the lessons of the classics with the broad exposure to historical and contemporary cases of practical statecraft. With the figure of polarity introduced in the form of four pairs of concepts, Wei Yuan underlines that there are no eternally valid solutions in government, but that the best solution results from balancing extremes and viewpoints in light of changing circumstances. The call for practical statecraft was so compelling and the HCJSWB so well-received that over a period of five decades, more than twenty sequels were published. The final section of this chapter attempts a characterization of these sequels and their editors.

¹Liu (1984), p. 364.

1.1 Intellectual context

The idea of “putting the world in order” (jingshi 經世), also rendered less literally as “statecraft”, corresponds to “kingliness without” (waiwang 外王) that complements “sageliness within” (neisheng 內聖) in Confucian ethics. “Sageliness within” refers to the goal of realizing the principles of good human life, the dao 道, within the individual, while “kingliness without” refers to the goal of realizing the dao in the human world. The scheme of realizing the dao laid out in the Great Learning (Daxue 大學), the first of the Four Books (Si Shu 四書) of the Confucian canon, states that the individual has to start out with moral self-cultivation but finally bring “order to the state” and “peace to the world”. Being so central to the realization of the dao, the ideal of jingshi “was deeply rooted in the consciousness of many a devout Confucian whose irresistible impulse to put the world in order often broke out in times of adversity and chaos”, when, “almost as a rule, many Confucians would throw themselves into political and social action, promoting reforms, voicing protests, or both”.¹ In times of socio-economic and political crisis, then, the urge to commit one’s energies to the solution of the pressing problems of the time would blend with the prominent intellectual trends of the time.

1.1.1 POLITICAL CRISIS: THE CRISES OF THE JIAQING AND DAOGUANG REIGNS AND THE NEW MEN IN THE PROVINCIAL ADMINISTRATION

While the term “putting the world in order” was not always central to the associated discourse, it was made popular by the HCJSWB at the latest, which categorized the writings it included as either jingshi theory or as practical examples of jingshi. He Changling’s and Wei Yuan’s lifetimes were indeed times of adversity and chaos. The Qianlong emperor had abdicated in 1796, two years after Wei Yuan’s birth. Problems had been accumulating over the second half of the Qianlong reign, demographic pressure and economic recession caused or exacerbated by rising levels of official corruption and inefficiency started to discharge in popular uprisings in that very year. More than ten large scale uprisings between 1796 and 1838 affected nearly all provinces of the Chinese empire, and were followed by the confrontation with British forces in the First Opium War (1839–1842), and, a decade later, the Taiping uprising (1850–1864).² The introduction of crops from the Americas and the relative peace during the long eighteenth century had fostered an unprecedented population growth. The surplus workforce was successfully absorbed into the agricultural and growing commercial sector. By the end of the eighteenth century, however, the limits of growth had been reached, and the numbers of landless vagrant workers and migrants to the frontier regions rose, creating new social conflicts and environmental problems.³

Another problem was the rampant level of corruption that had developed during the Qianlong reign and drained official funds and energies from public administration. The case with the most far-reaching

¹Yu (2013), p. 122.

²Feng (2002), pp. 57–58.

³Mann Jones & Kuhn (1983), pp. 109–110, 154

implications was the Heshen 和珅 (1750–1799) corruption scandal. The aging and apparently demented Qianlong emperor had appointed the young banner man to ten odd top positions in government and military. Heshen had used his power until the death of the Qianlong emperor in 1799 to accumulate an enormous wealth through the wide-spanning patronage network he built and through embezzlement.¹ While Heshen cannot be blamed for all grievances and deficiencies of the later Qianlong reign, his actions certainly exacerbated official corruption and were detrimental to bureaucratic morale. In 1799, the reigning Jiaqing emperor sentenced Heshen and his closest associates to death.

The loss of the court's authority incurred through the Heshen scandal resulted in more opportunities for officials to discuss imperial politics and to put forward reform proposals. The years after the ousting of Heshen saw a growing influence of Chinese literati in the Qing bureaucracy, with 1814 and 1820 marking critical junctures in the rise of Han Chinese appointed to provincial posts. There was an influx of men who had obtained their degrees after the Heshen era and who were increasingly drawn from the Hanlin academy and the censorate. Notably, a great number of them had personal ties to the censor and provincial official Jiang Youxian 蔣攸銛 (1766–1830) and were members of the Xuannan Poetry Club in Beijing.² Said trend of Han Chinese literati influence would culminate in the rise of Zeng Guofan and his protégés during the Taiping rebellion and the subsequent Tongzhi restoration.³ The Yuelu and Chengnan Academies in Hunan province, in contrast to many other institutions of higher learning at the time, had been headed by men with considerable experience in administration in the late Qianlong reign and beyond, which explains the great amount of Hunan literati among the ranks of these newly appointed provincial officials.⁴

These new men who came to the provincial administration towards the end of the Jiaqing and during the Daoguang reign were particularly interested in branches of learning dealing with administrative and economic problems, which they called “knowledge of use in ordering the world” (*jingshi zhiyong zhi xue* 經世致用之學), and thus with them arose a “school of statecraft” (*jingshi zhi xue* 經世之學). In the period before the Opium war, the group consisted mainly of friends and patrons of Wei Yuan, men such as Bao Shichen 包世臣 (1775–1855), Tao Zhu 陶澍 (1779–1839), He Changling, Lin Zexu 林則徐 (1785–1850), Yao Ying 姚瑩 (1785–1853) etc. They emphasized that the institutions of the sage kings could not be reestablished in a one-to-one fashion in the present era, which required institutions adapted to contemporary conditions. They saw local governmental and economic conditions as key

¹Spence (2008), pp. 148–149.

²See Polachek (1992) on the connection of literary and aesthetic fellowship and literati political mobilization, and the proliferation of poetry associations after the lenient treatment of Hong Liangji 洪亮吉 (1749–1809) by the Jiaqing emperor after his criticism of Heshen: “‘Poetry societies’ and other decorously-named literati groups (with protectors in high places) had been visible in Beijing since about 1814. They were to play an increasingly open role in battles over policy and official appointments through the period of the Opium War.” Polachek (1992), pp. 39ff. Elman (1988), p. 75, calls the literati activism of the early nineteenth century “the reemergence of Northern Song and late-Ming-style activism in the political arena”. Elman writes it was preceded by the covert alignments of literati against the Heshen faction and the following *qingyi* 清儀 (“pure remonstrance”) in the early nineteenth century.

³Mann Jones & Kuhn (1983), pp. 117–119.

⁴Mann Jones & Kuhn (1983), pp. 157–158.

to stability and therefore aimed at eliminating corruption and inefficiency in the local administration and at promoting local handicraft industries and agricultural methods. They also wanted to reform the government’s key revenue-generating policies, canal river control (closely connected to the transport of tribute grain) and salt administration as well as the currency system, by eradicating corruption and streamlining operations, to achieve the two-fold goal of reducing the burden on the population while securing a revenue stream for the state.¹ In the Daoguang reign, while there were statesmen at the court supportive of reform such as Yonghe 英和 (1771–1840) and Qishan 琦善 (1786–1854), the emperor himself was less avid for reform.² The efforts to reform the grain tribute transportation system are a case in point.³

In the provinces, the “new men” were confronted with the residues of the Heshen era patronage networks which lead to conflicts about the pacification of the White Lotus rebellion and the corruption in local government. Although the Jiaqing emperor had ousted and executed Heshen and his closest aides shortly after the death of his father, he was not able to dismantle Heshen’s patronage networks in the provinces and consistently ban their members from the bureaucracy. Patronage networks continued to sustain corruption among the officialdom and continued to be a destabilizing factor during the Jiaqing and Daoguang reigns. The reason why the fiscal system had been able to sustain a high level of corruption during the Qianlong reign was that inflation of grain prices had been sufficient to enable the agricultural sector to support the rising demands of the bureaucracy. This changed when the steady silver supply that had been one factor fueling the inflation in grain prices ceased, leading to falling grain prices. The peasantry was increasingly unable to meet the tax and surtax demands, which caused growing tax arrears in the provinces.⁴

The HCJSWB was published in 1827 in the context of the grain transport reform debate and includes official and private writings from the reigns of all Qing emperors, that is, from the Shunzhi, Kangxi, Yongzheng, Qianlong, Jiaqing periods down to the Daoguang reign. It combined writings of the early Qing thinkers with the writings of the “administrative elite” of the mid Qing and the writings of contemporary administrators committed to statecraft into an unbroken line of statecraft thought and practice of the reigning dynasty. Although the preface does not say so, it is likely that the compendium was published to rally support for the provincial reform projects of the statecraft elite.⁵ The authors of the writings collated in the HCJSWB had not necessarily labeled their own writings as “statecraft” (jingshi) themselves or made jingshi a key concept in their writings, be they of a theoretical or practical nature. We can however distinguish several common arguments that these writings, as well as the editorial criteria (li 例) of the two compendia that figured as models of the HCJSWB, share with the HCJSWB, and

¹Mitchell (1970), p. 54–55.

²Mann Jones & Kuhn (1983), p. 144.

³See Mann Jones & Kuhn (1983), pp. 119–128.

⁴Mann Jones & Kuhn (1983), pp. 129–130.

⁵The preface of the HCJSWB underlines the legitimacy of engaging with the technicalities of administration as necessary and complements the cultivation of one’s moral intuition. The HCJSWB contains twenty-nine volumes on the key issues of interest of the Jiangnan official elite, transport of tribute grain, the salt monopoly and hydraulic engineering.

which we could therefore see as the quintessence of what the HCJSWB editors regarded as core jingshi principles. The ex-post declaration of jingshi thought continued throughout the nineteenth century, as is evident, for example, from a comment in one of the prefaces to Rao Yucheng's 饒玉成 (fl. 1822–1882¹) 1881 sequel to the HCJSWB regarding the compilation: “Rao Yucheng selected recent writings of which he thought the content was relevant for statecraft (jingshi 經世)” 饒新泉通 [...] 取近時文章家擇其言之足以經世者用.² The contribution of the statecraft movement of the nineteenth century then, of which the HCJSWB was an important part, in comparison to previous statecraft efforts “was mainly to lift practical concerns out of the mundane sphere of ordinary administration into that of intellectually prominent writing, thereby increasing interest in reform”.³

1.1.2 INTELLECTUAL HISTORY

In face of the crises beginning in the later Wanli reign (1582–1620) of the Ming dynasty and the shock of the Manchu conquest of China, many scholars of the seventeenth century criticized that contemporary academia had lost its vision, its relevance, but also its grounding in the classics. Among them were Chen Zilong 陳子龍 (1608–1647), Gu Yanwu 顧炎武 (1613–1683), Huang Zongxi 黃宗羲 (1610–1695), Wang Fuzhi 王夫之 (1619–1692), Wan Sitong 萬斯同 (1638–1702), Lu Shiyi 陸世儀 (1611–1672) and Yan Yuan 顏元 (1635–1704). Writings by all of them are represented in the HCJSWB and its sequels. Although they did not always explicitly tie their proposals to the term jingshi, nineteenth century intellectuals regarded these thinkers as advocates of a statecraft ideal.⁴

All these thinkers underlined that self-cultivation (xiuji 修己) was meaningless or even impossible if the individual did not engage with his social and political environment with the aim to order and improve it (jingshi). By conveying their message in the terms of the Great Learning and Confucius' sageliness-within-kingliness-without polarity, they made it clear that this was a return to Confucian core tenets.⁵ For men holding or seeking office (the majority of the educated elite) “ordering of the world” included to administer taxation, adjudication, irrigation and the like. The early Qing thinkers therefore advocated to include those topics into one's daily studies. Study of the classics, histories, including institutional histories and the most recent history, should have the aim to digest the historical experience into insights that could help to solve present problems and familiarize oneself with technical procedures

¹Guo & Shi (1995), p. 949.

²HCJSWXJ/RAO, 0:1a.

³Metzger (1973), p. 27.

⁴When discussing the most important impulses for late Qing intellectual changes, Liang Qichao mentions “the so-called ‘statecraft learning’ of the enlightened period at the beginning of the Qing dynasty” 清初啓蒙期所謂‘經世之學’. Liang (1992), pp. 246–247. Wang Guowei says that the convictions and methods of the statecraft advocates of the Daoguang and Xianfeng reign had much in common with “the old statecraft ideal from the beginning of the dynasty” 國初諸老經世之志. Wang (1983), pp. 26–27. Yan Yuan belonged to the second generation of early Qing thinkers and “he alone maybe said to have formulated a powerful philosophy with jingshi at its center” and “transformed late-Ming quietism into a radical form of activism” in which sages are “men of action”. Yu (2013), p. 122.

⁵Feng (2002), pp. 10–17, notes, though, that their theories represented a redefinition of the conventional reading of the polarity.

and existing regulations. Ng and Wang (2005) note in this context that “history was increasingly seen as a practical way to comprehend the world” in the seventeenth century. This “historic-mindedness” was not just a search for lessons for the present in the past, but rather informed an awareness for “changing particulars and the contingency of specific events and values”.¹

Opponents of these suggestions objecting that incumbent and prospective officials should not lose time with the vulgar details of administrative procedures and strategies and rather concentrate on their own character building could easily earn the charge of hypocrisy. Huang Zongxi called men hypocritical who shunned the study of fiscal administration on the grounds that it was “exploitation” 聚斂 and the commanding of troops on the grounds that it was a task for “vulgar types” 粗材.² Similarly, Gu Yanwu found that it was hypocritical to claim to have attained perfect knowledge of human moral nature through intuition alone or having studied historical institutions (百王之典), and without showing the least concern for contemporary affairs. They had “replaced solid study with the aim of cultivating oneself and ordering others by empty talk about illuminating the mind-heart and recognizing the moral human nature” 以明心見性之空言代修己治人之實學.³ The study of historical institutions was necessary to learn about the dao that never appeared separate from its historical manifestations. Tang Zhen 唐甄 (1630–1704) contended that Confucius had conceived the “inner sage” and the “outer king” as a personal unity, that self-cultivation was not exclusively a matter of the inner realm, and practical achievement not exclusively a matter of the outer realm.⁴ As soon as they were regarded as separate persons between whom to make an exclusive choice, Tang argued, the king became secondary and the aspects he personified were not pursued, while the sage became the primary ideal. The Way of Confucius became fragmented, which effectively had a detrimental effect on people’s livelihood because the elite regarded engagement with practical affairs as a preoccupation of the mean man.

The eighteenth century saw a continuous string of practically oriented compilations of administrative writings by both private secretaries and officials.⁵ These compilations propagated the ideal of the official who combines deep knowledge both of the classics with practical administrative competence, who is devoted to the “well-being and moral progress of the common people” and who can “control and even manipulate the administrative machinery under his command” “due to his profound knowledge of the legal code and administrative procedures, who is a great judge and, if necessary, military command-

¹Ng & Wang (2005), pp. 223–238. Ng & Wang (2005) further note that “seventeenth-century thinkers did not abandon altogether the ideal of antiquity as the norm, inspiration, and guide [...] their classicist regard for the ancient past was tempered by their historical appreciation for the particularities of different dynasties or periods”. They did not think everything was relative either, they still thought the classics were a repository of universal values revealed by the pattern of the rise and fall of dynasties, for example the unswerving devotion to the people as constant ancient principle of governance, or that government should make use of worthy men and promote education. Early Qing thinkers’ “appeal to the universal and transhistorical was soberly counterbalanced by their earnest desire to implement timely measures relevant to current needs, and these they identified through their deep knowledge of the contingent changes in history”.

²Huang (2005), vol. 10, pp. 421–422.

³Gu (1994), 7:6b.

⁴Tang (1984), 2:6b.

⁵Private secretaries (muyou 幕友 or muliao 幕僚) appeared in yamen on all levels of government in the early Qing and their number grew considerably throughout the dynasty, while the number of officials remained largely constant.

der, but also knows about agricultural techniques, hydraulic engineering.¹ Will (2003) speaks of this group of officials and private secretaries who were significantly more committed to effective administration than their average colleagues as “administrative elite”. The administrative “elite was composed of activist administrators with a very high idea of their duty towards the people and of the difficulty of their tasks”.² Their “elitism” consisted in their being activist and idealist enough to stand out from the cautiousness (conservatism), immobility and indifference of the majority of bureaucrats. Their role in the “general economy” of the bureaucratic system was to respond to deficits that the system encountered from time to time with the aim to “restore the effective control of the administration to those men whom the dynasty had entrusted it”.³

This “administrative elite” of the eighteenth century pursued their project of technical excellence independently from the scholarly trends of the time. In the field of scholarship, the most influential methodological novelty was evidential scholarship (*kaozheng* 考證 or *kaojuxue* 考據學), while in terms of commentaries used, many scholars went back in time, supplementing the orthodox Song dynasty commentaries with the works of the commentators of the Eastern Han and Tang dynasty. Evidential scholarship had developed out of Ming neo-Confucianism and had been first applied to the Great Learning by Chen Que 陳確 (1604–1677).⁴ The idea was to solve controversies about the true message of the classics within Song Learning by going “back to the roots” in the form of meticulous interpretations of the original versions of the classical texts. According to Dai Zhen 戴震 (1724–1777), free speculation could not lead to the understanding of the moral principles of the ancient sages so that one needed to seek them through philological studies of the ancient texts; philology would enable understanding, which in turn enabled the grasping of the principles.⁵ Evidential scholarship developed into a scholarly attitude that propagated careful textual studies with the help of auxiliary disciplines such as phonetics and etymology in order to elucidate the authenticity and authentic meaning of classical texts. Qing evidential scholarship perfected philological tools, especially etymology, phonology and paleography, and applied them to the systematic study of historical and classical texts. In the course of the eighteenth century, evidential scholarship came to be closely associated with Han Learning (*Hanxue* 漢學).⁶ The name indicates its concentration on the interpretations of the great Han dynasty commentators such as Xu Shen 許慎 (58–147 AD), Ma Rong 馬融 (79–166 AD) and Zheng Xuan 鄭玄 (127–200 AD) as opposed to the Song commentaries of Zhu Xi and Cheng Yi. The Song commentaries remained influential nevertheless as there remained circles advocating “Song learning” and dedicated to their study, and also not least be-

¹Will (2003), p. 14.

²Will & Li (1999), p. 3.

³Will (2003), p. 14.

⁴Yu (2013), p. 117. Makeham (2003), p. 278, notes that some tendencies in evidential research can even be traced to Song dynasty scholarship.

⁵Yu (2013), p. 118.

⁶On the overlap and distinctness of Han learning and evidential scholarship, see Makeham (2003), pp. 277–278. Makeham suggests that Han learning in its narrow sense refers to the rejection of Song, Yuan and Ming commentaries in favor of Han and Tang commentaries, while in its broader sense, it is synonymous with evidential scholarship with no strict restriction to Han commentaries.

cause Zhu Xi’s interpretation of the Four Books (si shu 四書) remained the basis of the imperial civil service examinations.

By the beginning of the nineteenth century, evidential scholarship in combination with Han learning was beginning to lose its leading status among literati. Critics observed that it had lost touch with practical concerns, including self-cultivation, as its rigorous philological studies had become an end in itself instead of continuing to serve as a means to elucidate the meaning of classical texts and find answers to current socioeconomic problems. Scholars were wondering in view of the above mentioned crises and booming output of Han learning works whether Han learning could actually achieve what had been envisioned by its early advocates, namely that the close study of the classics and commentaries could facilitate a return to the golden age of the Three Dynasties. Was the reason why the golden age seemed more remote than ever that Han learning scholars were not giving enough attention to the applicability and usefulness of their output, to its connection with governance, morality and manners, or was it because the world of the present was too different from the world of the past so that the classics simply could not be applied? There were also voices calling for a rehabilitation of Song learning, pointing out its value outside of the civil service examinations, especially its insights about the pre-Qin Confucian thinkers and their pronounced concern for the real world.¹ The philological methods of evidential scholarship remained in use, however. Song learning began to regain its former popularity with prominent advocates such as Zeng Guofan 曾國藩 (1778–1861) and Woren 沃仁 († 1871). Its broad perception began to change from examination knowledge to a scholarly trend that could fuel socio-political change.

Note that the categories Han learning and Song learning, are rather confusing, not least because they became common only from the eighteenth century onwards. Both concepts become elusive when one tries to determine their exact differences because many accounts of the differences in primary and secondary sources tend to formulate one as counterconcept (*Gegenbegriff*) of the other which leads to distorted formulations of the respective scholarly programs. Scholars such as Wei Yuan and Shao Yichen 邵懿辰 (1810–1861) did not mind the distinction, and studied with teachers subscribing to Han learning and teachers subscribing to Song learning. Maybe they acknowledged that everywhere “we find generations which revolt against what they regard as the formalized, unauthentic perversions of the original vision and which attempt to recapture that vision in its pristine freshness—only to be accused of one-sidedness and distortion by their successors within the tradition”, and therefore simply chose to stick to eclecticism and select the best of each scholarly trend.² Nevertheless the opposition seems to have been taken seriously enough by others in the nineteenth century that scholars started to advocate a reconciliation of Han and Song learning, for example Zhu Qi 朱琦 (1803–1861),³ a trend that is documented in the HCJSWXJ/RAO.

Apart from the rising popularity of Song learning and a fusion of Song and Han learning, the nine-

¹Wang (2003), pp. 3–5.

²Schwartz (1959), p. 50.

³Ouyang (2013), p. 539.

teenth century saw the interlocking trend of a growing interest in New Text Scholarship (jinwen jingxue 今文經學) and “statecraft learning” (jingji zhi xue 經濟之學 or jingshi zhi xue 經世之學). What was true for evidential scholarship and Song learning, namely that the former was a product of the latter, but at the same time its harshest critic, was also true of the New Text movement and Han Learning.¹ The attention for New Text Studies meant a turn to a textual tradition within Han Learning that had only survived as an undercurrent for a long time. Many intellectuals saw it as the best chance not to give up on the classics although resenting their painstaking research, and to satisfy their interest in the principles of good human life while still wishing to distance themselves from Song Confucianists. A central text of this textual tradition was the Gongyang Commentary (Gongyangzhuan 公羊傳) of the Spring and Autumn Annals (Chunqiu 春秋). The New Text tradition viewed Confucius as a “charismatic visionary and institutional reformer” who had composed the Spring and Autumn Annals “in prophetic prevision of the rule by the Liu clan”, the ruling house of the Han dynasty.² The vision of Confucius as an “uncrowned king” (suwang 素王) who had founded new institutions for the future implied a “heightened outer-institutional interpretation of the Confucian idea of moral order”.³ In the beginning, New Text Studies focussed on purely academic questions. It was through the work of Liu Fenglu 劉逢祿 (1776–1829), Gong Zizhen 龔自珍 (1792–1841), Wei Yuan and later Kang Youwei 康有為 (1858–1927) that New Text Studies came to be closely associated with political activism and that the schema of the so-called Three Ages (san dai 三代), the ostensible golden age of the Xia, Shang and Zhou dynasties, turned into an argument in favor of political reform.⁴

The New Text Studies rose in response to political corruption since the mid-Qing dynasty, attempting to “use the language of Confucian politics in order to create a legitimate framework for correcting the wrongs of the contemporary world”.⁵ Succeeding adherents included Wei Yuan and Gong Zizhen, as well as Shao Yichen, Dai Wang 戴望 (1837–1873), Pi Xirui 皮錫瑞 (1850–1908), Liao Ping 廖平 (1852–1932), and, as interests shifted more and more from interpretation of the classics to the reform of the present, Kang Youwei. The pioneer of the New Text School, Zhuang Cunyu 莊存與 (1719–1788) believed that the Spring and Autumn Annals transmitted Confucius’ vision of politics and history. Confucius had compiled the Spring and Autumn Annals with the “intention to pass judgement on the violence, lawlessness and corruption of his age”.⁶ Zhuang Cunyu favored the Gongyang Commentary, which he regarded as presenting historical interpretations, over the Zuo Commentary (Zuozhuan 左傳), which in his opinion presented a mere record of historical facts. Zhuang Cunyu regarded the Spring and Autumn Annals as “a call to reform the present in the name of the past” (tuogu gaizhi 托古改制).⁷ By elucidating the “great meanings conveyed in esoteric/subtle words” 微言大義 of the

¹Mitchell (1970), p. 39, on the New Text movement’s assessment of Han learning.

²Cheng (1997), p. 65.

³Cheng (1997), p. 65.

⁴Lin (1994), p. 30.

⁵Zhao (2003), p. 40.

⁶Zhao (2003), p. 39.

⁷Cheng (1997), p. 65. Cheng also remarks that the literal translation of tuogu gaizhi is to look for political justification in

Gongyang version of the Spring and Autumn Annals with the help of annotations of Han New Text scholars such as Dong Zhongshu 董仲舒 (179–104 BC) and He Xiu 何休 (129–182 AD), it would be possible to disclose Confucius' "statecraft intent" 經世之旨 and use it to reform the present world. The first to carry on Zhuang's project of reconstructing what he regarded as Confucius' authentic teaching, were members of his family, who employed methods of evidential scholarship and extended New Text attention to other classics, raising doubts about the authenticity of several Old Text versions of the classics. Among them was Zhuang Cunyu's grandson Liu Fenglu 劉逢祿 (1776–1829). Liu Fenglu believed that He Xiu's commentary on the Gongyang Commentary "represented the only surviving link between the New Text Confucianism of the Former Han dynasty and later New Text school". Zhao (2003) argues that Liu's research on He Xiu also revealed close connections between Han Confucian and Legalist notions of political reform, a link to be further developed by Liu's students Wei Yuan and Gong Zizhen and other Qing reformers.¹

The revival of New Text Confucianism came to be closely associated with intensifying interest in practical statecraft. The protracted and devastating campaigns against the frequent insurgencies in different corners of the empire had left the impression that the Manchu military lacked the prowess and the court the ability to deal with the problems it faced.² Statecraft advocates believed that classical studies alone could not solve political and social problems. This perception resulted in a rising interest in historical and geographical studies as a branch of learning better suited to dealing with political and economic problems.³ While the statecraft advocates took an interest in institutional history, their reform proposals mainly touched upon administrative techniques, in areas such as taxation, river works and border defense, not fundamental institutional changes. The group of statecraft advocates associated with Wei Yuan is a manifestation of this trend. The statecraft advocates agreed with Zhang Xuecheng 章學誠 (1738–1801) and saw bureaucratic corruption as the problem at the root of all others problems in the economic and military area.⁴

There are two further currents in Qing dynasty intellectual history that deserve future exploration, as they seem important to fully understand the intellectual context of the statecraft compendia. One is a current that emphasized the social function of rites, the other one is an interest in Legalism and other pre-Qin schools of thought. Both cannot be explored in depth within the scope of this dissertation. Zhang Hao observes Mid-Qing statecraft thought's tendency to emphasize the "real and actual" 實際 and "real effects" 實效 was characterized by an "intensified manifestation of a kind of instrumental rationality" 一種功效理性的強化的表現. This also shows in one decisive issue that previous scholarship has found to distinguish Qing dynasty Confucianism from Gu Yanwu and Zhang Erqi 張爾岐

the Classics, to sanctify practice in terms of precedent.

¹Zhao (2003), p. 40.

²Mitchell (1970), p. 53.

³Feng (2002), pp. 248–311.

⁴Zhang Xuecheng had written that the three most important problems of the present, namely rebellion, treasury deficiencies and problems in the management of the civil service (corruption) were essentially one: the former two were caused by the latter. Nivison (1966), p. 268.

(1612–1678) to Zeng Guofan and Sun Yirang 孫詒讓 (1848–1908) from the Confucianism of previous dynasties, namely the preeminent importance attributed to rites (li 禮) as compared to moral principle (li 理).¹ The three books that received most attention among Qing commentators besides the Spring and Autumn Annals were the three rites books, the Zhouli 周禮 (Rites of Zhou), Yili 儀禮 and the Liji 禮記 (Book of Rites).² This is interpreted as a departure from a focus on metaphysical “principle” (li 理) in human interaction to visible and empirically traceable forms. According to Zhang Shou’an (1994), this trend was set in motion by Ling Tingkan 凌廷堪 (1757–1809), a scholar renowned for his study of rites. Li comprises institutions (state and clan organization and norms), ceremonies (marriage, assumption of office, funeral etc.) and moral values. In the course of the Qing dynasty, the focus shifted from state institutions to the values and customs of local society and the realization of proper human relationships. There is some amount of overlap between interest in statecraft and interest in the works of Ling Tingkan. Ruan Yuan’s 阮元 (1764–1849) Huang Qing jingjie 皇清經解, an anthology of writings in classical studies of the Qianlong and Jiaqing reigns published in 1825 included both Ling Tingkan’s Lijing shili 禮經釋例 and two essays from his Fu li 復禮 (Return to the Rites). Yang Guozhen, who published a reprint of the QWZWC in 1826, published a reprint of two essays from the Fu li in the same year. These two essays are positioned prominently in the rites section of the HCJSWB, which shows that Wei Yuan and He Changling also appreciated Ling Tingkan’s contributions.³

Schell and Delury (2013) declare that from the “Confucian parts” that Wei Yuan combined into the HCJSWB, all focusing on pragmatic solutions to China’s problems, “a very different whole emerged” between the lines, that exuded Legalist philosophies of strengthening the army and enriching the state (fuqian 富強).⁴ Cheng (1997) similarly notes that the New Text School and statecraft reformism rediscovered Former Han “Legalized Confucianism” or “Confucianized Legalism”.⁵ Elman (1990) similarly notes that rediscovering the “Former Han synthesis of ritual and law”, New Text scholars, notably Liu Fenglu, Wei Yuan and Gong Zizhen, began to develop the links between Legalism and Gongyang Confucianism.⁶ Acknowledging that “Legalism” is a problematic heuristic device⁷, we can note that Wei Yuan advocates a rehabilitation of wealth and power as state goals, which figure most prominently in the Han Feizi and Shangjun shu, and proposes to adapt the valuable points in the teachings of the Yellow Emperor, Laozi, Shen Buhai and Han Fei (Huang-Lao Shen-Han 黃老申韓).⁸

We see a certain eclecticism here which was not restricted to Wei Yuan or his statecraft circle, but

¹This view was first put forward by Qian Mu 錢穆 (1895–1990) and Sun Haibo 孫海波 (1911–1972). Zhang (1994), p. 7.

²Zhang (1994), p. 3.

³Zhang (1994) says that Ling Tingkan caught her attention while she was researching the origins of Gong Zizhen’s thought. Yang (2005).

⁴Schell & Delury (2013), p. 20.

⁵Cheng (1997), pp. 67–68.

⁶Elman (1990), pp. 257–274.

⁷See, for example, in Goldin (2011).

⁸WYQJ, vol. XII, p. 45. Huang-Lao thought was the dominant school of thought during the Han Dynasty until Han emperor Wudi who established Confucianism as state doctrine. Several thinkers associated with Legalism today, such as Shen Dao, are also variously associated with Huang-Lao.

which represents a general characteristic of Qing literati and scholar-officials.¹ The Qing scholar-official elite looked back at the history of Chinese political thought that they could draw upon as an intellectual resource in the question of “how to improve the state”. In this history, the “intellectual roots of dogmatism and certainty were not necessarily deeper than those of eclecticism and doubt” and “a prominent feeling existed that many different Chou schools, including Legalism, had brought out some facet of the truth, a point made explicit by the great Han historians Ssu-ma T’an and Pan Ku”.²

Elman (1990) and Cheng (1997) discover a connection between New Text scholarship and Legalism. Elman (1990) argues that the New Text school rediscovered the “Former Han synthesis of rituals and laws”.³ According to Cheng (1997), the most important rediscovery of Former Han New Text convictions by the New Text revivalists apart from the image of Confucius as institutional reformer had been exactly this “synthesis of law and ritual”.⁴ The Gongyang tradition had established a connection between the Spring and Autumn Annals and law (fa) in light of the assumption that the annals contained a systematic terminological and stylistic framework for making legal judgments. But apart from the assertion that New Text adherents brought an element of evident reformism into traditional statecraft discourse and made “emphatically explicit the connection between Confucian ends and governmental means”⁵ it is hard to find a satisfying account in previous scholarship of the “synthesis of law and ritual”, “Legalization of Confucianism” (or vice versa), or at least the linking up of Confucian classicism and Legalist practice. Cheng (1997) mentions the “synthesis of law and ritual” included the idea that the universalism of law with “its refusal to make exceptions” could be tempered by the particularism of ritual “which insists on differential treatment according to personal status, relationship and social circumstance”.⁶ This, however, sounds more like a description of the status quo of adjudicative practice in imperial China, not a new or rediscovered idea. What Cheng (1997) also associates with linking Confucian classicism and Legalist practice was the recognition of successive New Text adherents that “traditional stopgap measures could not solve such problems as population increase, bureaucratic corruption, and foreign incursions” and therefore turned to statecraft discourse that had been kept up by office-holding lineages for centuries.

1.1.3 STATECRAFT ANTHOLOGIES

In the seventeenth century, under the impression of the late Ming socio-economic down-turn and the following shock of the Manchu conquest, several generations of thinkers felt the need to emphasize that scholarship should never be disconnected from a deeply-felt concern for solving the current problems of

¹ Metzger (1973), pp. 25–27. Metzger (1973) draws heavily on Tao Zhu’s memorials and the HCJSWB as a sourcebook, but he emphasizes that the HCJSWB contains writings that are typical of the administrative writing of the age because it includes the writings of a broad spectrum of authors, not just the writings of the members of the school of statecraft.

² Metzger (1973), pp. 64–65.

³ Elman (1990), pp. 257–274.

⁴ Cheng (1997), p. 67.

⁵ Cheng (1997), p. 68.

⁶ Ibid.

the world and its people. An early product of this trend was the Huang Ming jingshi wenbian 皇明經世文編 (Imperial collection of statecraft essays of the Ming dynasty, hereafter HMJSWB) published in 1638 by Chen Zilong 陳子龍 (1608–1647), Xu Fuyuan 徐孚遠 (1600–1665) and Song Zhengbi 宋徵璧 (1602–1672). The paratexts of the HCJSWB do not mention the HMJSWB as a model for the HCJSWB, but Yu Yue's preface for the HCJSWXB/GE and Sheng Kang's preface for the HCJSWXB/SHENG both regard the Ming anthology as model for the HCJSWB. Yu Yue writes that He Changling "used Chen Zilong's Ming compendium as precedent when he compiled the Huangchao jingshi wenbian" 自賀耦耕先生用前明陳臥子之例輯皇朝經世文編.¹ Similarly, Sheng Kang writes that He Changling had followed Chen Zilong's HMJSWB and at the same time taken Lu Yao's Qiewenzhai wenchao as model in compiling the HCJSWB.² The considerable number of literati from the Jiangnan region that contributed to the compendium shows the heightened interest in statecraft among late Ming literati.³ The compendium comprises more than 3000 memorials, documents and treatises by officials of the Ming dynasty, and the topics covered range from economy, finance and infrastructure to rites and the military. The prefaces of the compendium emphasize a number of characteristic principles.⁴ The focus of the anthology is practical administration.⁵ The preference is for writings documenting recent models of administrative practice rather than writings putting forward (possibly ill-conceived) ideas of past models.⁶ Relevance to present problems figures as the sole criterion for inclusion of writings, not the reputation or controversial status of the author. Where there is more than one opinion about a particular issue, alternative opinions may be included.

The publication of the Qiewenzhai wenchao 切問齋文鈔 (Writings collected by the Studio for Relevant Questions, hereafter QWZWC) by the Qing official Lu Yao 陸燿 (1723–1785) in 1775 shows that the interest for "asking relevant questions" (qiewen 切問) and to connect scholarship and practical administration into a coherent intellectual pursuit had never ceased throughout the Qianlong reign. As mentioned above, the eighteenth century "administrative elite" of officials and private secretaries had propagated the ideal of the official in their writings and handbooks, who combines deep knowledge of the classics with practical administrative competence ("savoir-faire") in all areas of local administration from agriculture, irrigation and hydraulic engineering to legal adjudication, and, if necessary, military leadership.⁷ One likely reason why Lu Yao did not call his compilation a statecraft (jingshi 經世) compendium was that he wanted to avoid a reference to the HMJSWB, which had been placed on the index shortly after the publication of the QWZWC in 1777.⁸ Lu Yao had begun the collection of statecraft

¹HCJSWXJ/RAO, o:1a.

²HCJSWXB/SHENG, o:1a.

³Huang (1985), pp. 48–49.

⁴The editor's notes were not included in the copy that I was able to locate in the Beijing University Library, but they are cited in Feng (2002), pp. 548–550.

⁵The thematic focus is on military matters, economy and finance, with writings on military matters accounting for nearly half of the total number of writings. Feng (2002), p. 550.

⁶Chen (1638), o:(Fu xu)2b

⁷Will (2003), pp. 13–14.

⁸Zhou & Guo (2003), pp. 228–229. A reprint from 1869 exists under the title Huangchao jingshi wenchao 皇朝經世文

writings as a secretary in the Grand Secretariat (neige 內閣) and the Council of State (junjichu 軍機處), and had already compiled books and anthologies on various statecraft topics, including the cultivation of sweet potatoes, before the QWZWC went into print. Wei Yuan writes in the editorial notes that he followed Lu Yao’s example when including contemporary authors in his statecraft compendium.¹

The editorial principles of the QWZWC overlap with the editorial principles of the HMJSWB, with two additions, however. Lu Yao underlines that style is no criterion for inclusion in the anthology, and that stylistically unpretentious but relevant writings are included, while stylistically complex writings are excluded if they lack substance. Secondly, and more importantly, Lu Yao notes that writings are grouped by topic, and writings on the same topic are ordered by decreasing “urgency” (read: decreasing endorsement by the editor). This hints at the one significant difference in the organization of the QWZWC and the HMJSWB. While HMJSWB had grouped the writings by author, the QWZWC organizes the writings by administrative topic. According to the logic of the Siku quanshu zongmu tiyao 四庫全書總目提要 (Annotated catalog of the Complete Imperial Library), using the person of the author as the primary, and time as the secondary ordering criterion is most suitable if the aim is to get an overview about a particular person’s thought. Using the topic as the primary, and the “urgency” of the particular piece of writings as the secondary ordering criterion is most suitable if the aim is to get an overview about the thought of different authors on a particular issue.² Note that the status of the author and the time are explicitly neglected in this kind of organization. The decision to open the compendium with a section on scholarship (xueshu 學術) that introduces the intellectual-ideological orientation was emulated by all other Qing statecraft compendia to come, with the first section either being called scholarship (xueshu 學術) or general discussion (tonglun 通論). The HCJSWB does not only adopt the xueshu section but also the first writing in it from the Qiewenzhai wenchao, an essay by Zhang Erqi.³

Compendia bearing the word “statecraft” (jingshi 經世 or jingji 經濟) in their title appeared already in the Song dynasty, among them the Huangji jingshi shu 皇極經世書 compiled by Shao Yong 邵雍 (1011–1077), the Jingji wenheng 經濟文衡 compiled by Wan Jiji 馬季機 (?–?), and the Diwang jingshi tupu 帝王經世圖譜 compiled by Tang Zhongyou 唐仲友 (1136–1188). These works did not contain writings associated with practical administration, but rather theories about the organic unity of the cosmos, human society and individual self-cultivation. The Yuan dynasty saw an officially sponsored Jingshi dadian 經世大典 that featured decrees and proclamations of the Yuan emperors until Yuan Wenzong and memorials of Yuan officials on military, fiscal, economic and ritual matters as well as river conservation.⁴ In the Ming dynasty, there was a veritable boom of statecraft compendia, with more

鈔, however. Feng (2002), p. 552.

¹Note, however, that the HMJSWB already included the writings of contemporaries, as is evident from the list of authors. Chen (1638), 0:1a–89b.

²This remark is made in the context of a synopsis of a Song compendium. Feng (2002), p. 553.

³He & Wei (1827), 1:1a–2b.

⁴Gong (2004), pp. 14–15.

than twenty works bearing statecraft in their title. The HMJSWB compiled six years before the end of the Ming dynasty was one of the last and at the same time the most influential of them.

Also worth noting is the relationship of these voluminous compendia with the mostly smaller-format genres of *guanzhen* 官箴 and *gongdu* 公牘. The *guanzhen* were handbooks compiled by and for magistrates, clerks and private secretaries containing material on all tasks encountered at the district yamen, including taxation, jurisprudence and forensics. The *gongdu* were anthologies of administrative documents published to provide examples and models for a similar readership.¹ Administrative handbooks included extant laws, precedents and commands, other bureaucratic papers, maps, lists and explanations of procedure, as well as information about laws and cases of historical significance and historical discussions. They thus comprised both material to provide information about the current administrative order and material that was to put the current administrative order into perspective.²

¹For an introduction to administrative handbooks, see Will & Li (1999) and Will (2003).

²Metzger (1973), p. 231.

1.2 Wei Yuan and his manifesto

1.2.1 WEI YUAN'S CAREER

Wei Yuan's career is typical of an age in which many young aspiring men's hopes for a regular official career were frustrated but who nevertheless could get involved in administration as private secretaries. Apart from a short stint as district magistrate in Jiangsu in the late 1840s after finally winning his jinshi degree in 1845, Wei Yuan would only work in the retinue of high provincial officials and generals his whole life. However, Wei Yuan was not only theoretically interested, he also commented on the major problems of his time, notably the problems in the key administrative and revenue-generating areas of the tribute grain transport, the salt monopoly and river conservancy, and on the defense of inland and sea borders. He was also actively involved in contemporary efforts to solve these problems.

Born in Hunan in 1794 into a locally moderately influential family, Wei Yuan was interested in Wang Yangming's teachings and history in his teens. He passed his "Senior Licentiate" (bagong) in 1813 and spent most of the next ten years in Beijing to study with prominent instructors such as Song Learning advocat Yao Xueshuang 姚學塋 (1766-1827), Han Learning advocat Hu Chenggong 胡承珙 (1775-1832), and New Text Studies advocat Liu Fenglu 劉逢祿 (1766-1829).¹ His network in Beijing included fellow students such as Gong Zizhen 龔自珍 (1792-1831), Dong Guifu 董桂敷 (jinshi 1805), Chen Hang 陳沆 (1785-1826), Yao Ying 姚瑩 (1785-1853) and capital officials such as Yang Fang 楊芳 (1770-1846). Wei Yuan also established and maintained the acquaintance of provincial officials many of whom would later employ him as private secretary in their retinues, such as the fellow-Hunanese Tao Zhu, Governor-General of Liang-Jiang, He Changling, Financial Commissioner of Jiangsu, and Lin Zexu, the later governor-general of Huguang. Wei Yuan's grandfather had sponsored poor but promising students, among them the young Tao Zhu.² Both Tao Zhu and He Changling became sponsors of Wei Yuan's career. He Changling invited him to serve as his private secretary in 1819 and helped him to prepare for the metropolitan examination. In 1822, Wei won his juren degree. He became a private tutor at the household of Yang Fang, with whom he would often discuss questions of military strategy. At the same time, Wei Yuan became increasingly interested in contemporary affairs in general, which he would often discuss with peers such as Gong Zizhen and Yao Ying.

Responding to a request of He Changling to submit comments to a proposal to temporarily shift the transportation route and modalities of tribute grain in 1824, Wei Yuan became involved in the drafting of proposals to shift the transport of tribute grain to sea transport put forward by He Changling, Tao Zhu, Yinghe and Qishan during this time. He Changling invited Wei Yuan in 1825 to edit a collection of writings on statecraft for him, the HCJSWB. Many of the writings on grain transport were included in the grain transport chapters of the HCJSWB. Wei Yuan probably was not a statecraft expert at the time he accepted He Changling's offer to edit the HCJSWB. He had discussed contemporary affairs

¹Wei (1976), p. 848.

²Gong (2004), p. 98.

with his friends in Beijing, but his scholarly output had mostly consisted of poetry and classical studies. His writings on practical affairs included in the HCJSWB, on the sea transport of tribute grain and on military action against the Miao tribes in the South, all dated from the years 1824–1826 and were mostly written in the context of his editing work of the HCJSWB and two local gazetteers. However, Wei Yuan practically became a statecraft expert through his exposure to the vast amount of material he had to go through during the compilation of the HCJSWB.¹ It is likely that He Changling had already collected much of the material which he then handed over to Wei Yuan who edited it and maybe also added the writings of some of his fellow junior statecraft advocates such as Gong Zizhen, Yao Ying and Bao Shichen.²

After failing the metropolitan examination in 1826, Wei Yuan served subsequently in the retinues of He Changling and Tao Zhu in the years 1826–1829. Wei Yuan purchased a post as secretary in the Grand Secretariat (neige 內閣) in 1829, after failing the metropolitan examination again. Wei Yuan was invited by his friend Gong Zizhen to join meetings of the Xuannan poetry club (as usual for these kinds of literary associations, the members were as interested in politics as they were in poetry)³ The club's senior members included Lin Zexu, with whom Wei Yuan discussed poetry and contemporary affairs. After joining a short military expedition to Kashgar led by Yang Fang in 1830–1831, Wei Yuan acted as advisor to Tao Zhu in Nanjing in the reform of the Huaibei salt administration together with Bao Shichen in the early 1830s.

Wei Yuan purchased a garden in Yangzhou in 1837 and spent most of his time there writing treatises and compiling books on the key administrative problems of the time, concentrating on the topics of grain transport and river conservancy, the salt monopoly, and military defense. Wei Yuan made a living from salt business.⁴ Wei Yuan finished his *Shi guwei* 詩古微 in 1840 in which he furnished his own interpretation of the Book of Songs and attempted to reconstruct the classic in its original form, arguing that the standard Mao commentary was based on a forgery. Wei Yuan did not get actively involved in prohibition of opium and the confrontation with Great Britain that developed into the First Opium War (1839–1842). He seems, however, to have corresponded with Lin Zexu on the matter, and in 1840 he traveled to Ningbo to interview a British Captain held prisoner there and published a short account about the information he gathered. In 1842, Wei Yuan published his major treatise on Yellow River conservancy, criticizing the government's strategies. Corruption in the responsible government agencies was so rampant that only a fraction of the funds allocated for engineering projects were actually used for their intended purpose, so that silting-up became an ever more critical problem.⁵ Wei Yuan advocated

¹Gong (2004), pp. 98–100; Wei (1976), p. 848.

²Mitchell (1970), pp. 59–60. Mitchell thinks that Wei Yuan must have played more than a minor role in the compilation because so many accounts of his friends and later biographers associate Wei Yuan closely with the work. The famous historian He Qiantao even ascribed the format of the compilation and the editing completely to Wei Yuan. Wei Yuan certainly had more time to spare for editing the HCJSWB than He Changling, who acted as Financial Commissioner of Jiangsu at the time.

³On the political ambitions of the Xuannan Poetry Club, see Polachek (1992).

⁴Both Mitchell (1970), p. 29, and Liu (1984), p. 363, say so, without providing details of the kinds of business operations Wei Yuan was involved in.

⁵Feng (2002), pp. 180–182.

that an engineering effort was due to force the Yellow River into a new bed to prevent it from changing its course naturally and inducing large scale disaster. The warning was repeated by others but ignored. However, the Yellow River did indeed change its course after a major dike break at Kaifeng in 1855 and ruined a large stretch of the Grand Canal.¹

Still in 1842, the year of the conclusion of the treaty of Nanjing, Wei Yuan completed the *Shengwuji* 聖武記 and a first draft of the *Haiguo tuzhi* 海國圖志 (Illustrated Treatise on the Sea Kingdoms). Like the *HCJSWB*, the *Shengwuji* combined official documents and private sources about the military expeditions of the Qing up until and including the First Opium War. Mann Jones and Kuhn (1983) remark that Wei Yuan’s purpose in compiling the *Shengwuji* was not “purely descriptive”, but that he intended to expose the potential reasons for the Qing defeat in the Opium War, using private sources as check upon the accuracy of the official documents. This is also the thrust of his preface and his own treatises included in the compendium. Wei Yuan characterizes the tendency of official accounts to understate or even omit Qing defeats as irresponsible. At the same time, Wei Yuan calls for reforms with the aim of improving the quality and discipline of the Qing military, for example specialized training, better pay, flexible regional recruitment quotas and more care in keeping military rosters correct and up-to-date to prevent graft.² In the *Illustrated Treatise on the Sea Kingdoms*, Wei Yuan presented a world geography. Wei Yuan compiled the treatise after the Opium War, building primarily upon Chinese-language sources such as Lin Zexu’s *Sizhouzhi* 四洲志 (Geography of the Four Continents), Xu Jiyu’s 徐繼畲 (1795–1873) *Yinghuan zhilüe* 瀛寰志略 (Record of the Ocean Circuit) and the dynastic histories. The treatise included information on geography, politics, trade, as well as Western expansion, with a focus on China’s traditional strategic interest in Southeast Asia. In the preface, Wei Yuan emphasized the need for China to retrofit her military with Western ships and arms.³ In 1845, Wei Yuan finally attained his jinshi degree and later served a few years and shortly before his retirement as magistrate in several districts in Jiangsu province.

1.2.2 WEI YUAN’S THOUGHT

Mitchell (1970) notes that the tenor of Wei Yuan’s involvement and writing on administrative problems was efficacy of operations, that manifested itself in the two-fold aim of reducing the burden on the peasantry, while at the same time raising actual government revenue.⁴ Mitchell further notes that Wei Yuan studied the classics in the light of their application to problems of statecraft, linking New Text Confucianism to his statecraft concerns with an emphasis on utility (*li* 利), which to him represented a practical utilitarian standard of validity.

¹Mitchell (1970), p. 80. For a detailed study of the floods and disaster control measures along the Yellow River in Shandong province in the late Qing dynasty that starts with the harbingers of the dam break in 1855, see Amelung (2000).

²Mann Jones & Kuhn (1983), p. 150.

³See Leonard (1984), pp. 93–120, for an analysis of the structure, content and sources of the treatise.

⁴Mitchell (1970), p. 100.

“Only utility or profitability [li 利] could determine right and wrong. It was the link between Heaven and Man, the unity of which all true Confucians sought. He steadfastly denied the orthodox assertion of pursuit of profit in any form as a low passion devoid of ethical value. This denial came from Wei’s insistence on a practical utilitarian standard for knowledge with the criterion its effect in the socio-political world. A result of this view was Wei’s insistence on Wealth [fu 富] and Power [qiang 強] as not only inevitable but also desired and wholly valid ideals for ethical government.”¹

Wei Yuan is particularly articulate about his view of li 利 (efficacy or utility), and its relation to yi 義 in his *Essays on Scholarship and Government*, where he explicitly declares li a worthy goal and theorizes about the relationship with yi.² This is not to say that officials long before Wei Yuan had not embraced li as a standard of validity in practical argumentation, using it to emphasize the efficacy/utility of their proposed solutions. As I hope to show in the following chapters, this is a broader trend in the writings collected in the statecraft compendia. Wei Yuan’s insistence that li is a criterion for determining right and wrong, and wealth and power a valid and even desirable goal of good governance summarizes the tenor of the statecraft writings of the late Ming to late Qing. Wei Yuan bemoaned that not only had scholarship been divorced from government, but also that concerns connected to wealth and power (provisions and weapons, shibing 食兵) had been divorced from scholarship. While he praised the peace of the ancient feudal period, he contended that wholesale restoration of its conditions was neither possible nor desirable. Statements such as “the more changing of antiquity was complete, the more it benefited the people” 變古愈盡便民愈甚 and that just like shoes must not be alike to fit the feet “ruling is not necessarily always the same but is expected to benefit the people” 履不必同期於適足; 治不必同期於利民 show that the constant in Wei Yuan’s thought was indeed utility.³ And while Wei Yuan was not outspoken about distributive justice, as was his friend Gong Zizhen⁴, and certainly not egalitarian, he at least underlined that utility had to be assessed from the perspective of the people at large.

Mitchell suggests that Wei Yuan’s criticism of existing Confucian texts and his “intermingling of ideas and lapses in methodological consistency suggested doubt in the ultimacy of the Classics in any form” evidenced in his exegesis of the classics.⁵ On this basis, and judging from the political expediency of New Text and the language of the Book of Changes (Yijing 易經) in framing domestic rebellion, official corruption and problems within the grain transport, the salt administration, and river control, Mitchell concludes that Wei Yuan’s “framing of thought within the language of textual validity primarily resulted from a lack of alternative in that age and country. Any reaction to the socio-political system

¹Mitchell (1970), p. 42.

²See chapter 3.3.

³WYQJ, vol. XII, p. 49.

⁴HCJSWB, 7:22a–23b.

⁵See, for example, Wei Yuan’s critique of pure evidential scholarship’s contempt for practical affairs in WYQJ, vol. XII, p. 23, also included in HCJSWXB/ SHENG, 5:3a–7b, or his critique of a similar attitude on the part of extremist Song learning advocates in WYQJ, vol. XII, p. 36, also included in HCJSWXB/SHENG, 5:1a.

demanded a malleable but Confucian-sanctioned body of theory capable of effecting what was a utilitarian standard of value. Wei found such in chin-wen and I-ching theories reinforced by a Taoist-tinged Confucian ethic.”¹

Wei Yuan was an advocate of creating more legitimate avenues for urban-based established literati awaiting official appointment (not the mass of rural lower degree holders) to participate in the discussion of and influence contemporary affairs.² Wei Yuan’s key argument for broadening literati participation was not some (anachronistic) idea of innate rights or freedom of speech, but efficacy and that it was in line with the idea to combine different views to arrive at the best decision and to grasp political truth in light of comparison and context. Born into a world in which the central state’s authority was contested from without and within, Wei Yuan’s aim was to increase governmental effectiveness and restore a dynamic and powerful central state that could deal effectively with domestic and foreign troubles. Wei’s main idea in terms of how to enhance participation of “established literati” was (from the perspective of the ruler) to tolerate the presence of associations of literati and officials who took active interest in and engaged in discussions about policy. Kuhn points out that the HCJSWB precisely intended to engage scholars in the discussion of bureaucratic management, state revenue and border defense and to “appeal for involvement of established literati in politics”. Kuhn contends that this broadened participation of urban-based degree holders was also in the interest of the provincial officials who needed to mobilize support for their reform programs. Kuhn (1995) notes that inspired by a New Text vision of a heroic style of political leadership, “Wei had in mind, certainly not a revolution, but rather a more dynamic and powerful central state, one that could deal effectively with its domestic and foreign troubles”.³ Both Wei Yuan and his “old friend” Feng Guifen 馮桂芬 (1809–1874) regarded increased literati participation as “the source of heightened national energy needed to resist the West” and probably also as “a fulcrum for dislodging the deeply-entrenched interests” in officialdom and gentry that prevented reform and “impoverished taxpayers at the same time as it diverted revenue from the state”.⁴

1.2.3 THE PREFACE AND THE EDITORIAL PRINCIPLES OF THE HCJSWB (1826): WEI YUAN’S “STATECRAFT MANIFESTO”

The following section presents Wei Yuan’s approach to statecraft as set forth in his preface to the HCJSWB that he wrote in 1826. In the appropriate places the statements in the preface will be juxtaposed with

¹Mitchell (1970), p. 50.

²This has been noted by Kuhn (1995), pp. 298–317, and Elman (1988), pp. 75–78. Elman regards the chapter on Teachers and Friends (shiyou 師友) placed in the section on the Essence of Government 治體 dedicated to the description of the groups involved in the imperial administration as a subtle allusion to the more prominent role Wei Yuan envisioned for political clubs of the metropolitan elite (disguised as poetry clubs). Note in this context Wei Yuan’s repeated emphasis that rulers should take decisions only after consulting information from various sources. Elman (1988) thinks that the point of the chapter in the HCJSWB on shiyou 師友 chapter was not to talk about personal relationships among teachers, students and friends, but to covertly advocate literati associations.

³Kuhn (1995), pp. 311.

⁴Kuhn (1995), pp. 317–319.

lengthier expositions in the Mogu 默觚 (Essays on Scholarship and Government)¹, a series of essays that Wei Yuan completed in 1851.² The first printed edition of the Mogu only appeared twenty years after Wei Yuan's death, and it probably did not have a big impact during the late Qing, but it is an important source for gaining a complete understanding Wei Yuan's thought.³

In the preface to the HCJSWB, Wei Yuan establishes a number of epistemological principles that form the foundation of his political thought and that he develops further in the more comprehensive Essays on Scholarship and Government. For Wei Yuan, learning or scholarship is the systematic study of the vast amounts of historical material in the classics and other historical sources aimed at obtaining insights about the Way (dao 道) of good government. The vast amount of events and statements that one has to study necessitate that one develops a strategy for dealing with details without losing sight of the essential and for dealing with contradictions and multiple perspectives without being confused. Wei Yuan offers some suggestions in this respect by reminding the reader of the interdependent nature of a number of conceptual polarities, and by stating that right and wrong (shi fei 是非) are relative, and that circumstantial truth can be approached through comparison.

Wei Yuan's first premise is that learning should always have a practical orientation: it provides guidance for governance. The Way (dao 道) can only be studied through its instantiation in the Vessel (qi 器). The essence of learning is therefore the systematic inquiry of metaphysical principles (the Way) and their realization in history (the Vessel). Scholarship should be no "cerebral exercise, but a guide to action".⁴

The second premise is Wei Yuan's skepticism about man's ability to reach absolute political certainty, a.k.a. the Way, because he thought that "in politics, truth (at least, the contingent truth of our mundane affairs) assumes multiple appearances".⁵ Wei Yuan justifies his advocacy of fully legitimizing discussion of contemporary affairs of the urbanized, established elite with the necessity of unrestricted competition of views and opinions that results from his skepticism towards absolute truths. "There is no single doctrine which is absolutely correct, and no single person who is absolutely good. That is why, in the Ode 'Deer Call,' the deer cry out to each other when browsing for food, and in the Ode 'Felling the trees,' the tree fellers call out to each other" 道固無盡滅，人固無盡益也。是以《鹿鳴》得食而相呼，《伐木》同聲而求友。⁶ Interesting in this context is how Wei Yuan's rhetorical use of passages from several Odes from the Book of Songs in the Essays on Scholarship and Government differs from the conventional interpretations. Kuhn (1995) points out that conventional interpretations of the poem placed the focus on

¹WYQJ, vol. XII, vol. 12, pp. 1–80; the HCJSWBX/SHENG, 5:1a–7b and 8:1a–25b, includes an abridged version of the series of essays.

²For an entertaining biographical account that combines information and anecdotal material from primary and secondary sources, see Mitchell (1970).

³Liu (1984), p. 360.

⁴Kuhn (1995), p. 305. Also compare Zhang Erqi's 張爾岐 (1612–1678) assertion in the opening piece of both the HCJSWB and the Qiewenzhai wenchao: "If one studies the words of the sages, but one's actions do not attain theirs, then it is as if one has not studied" 學聖而行不至，猶之未學也. HCJSWB, 1:1a–2b.

⁵Kuhn (1995), p. 307.

⁶WYQJ, vol. XII, p. 35, translated in Kuhn (1995), p. 307.

the harmonious relationship between a ruler and his ministers. Wei Yuan focuses instead on what the poem says about the communication among the deer. Kuhn (1995), pp. 303–307 and 310. As Wei Yuan presumes that “political truth emerges through the clash of opinions”, the ruler’s decision making will be rendered more effective and his policies more correct if he lets men present their different views and chooses the best one or a synthesis¹: “When sagacious officials are at court, their views do not necessarily coincide. But the Great Man uses two views to reach one. Invariably, their views shine in succession, and the leader can choose one to implement. As the ‘Book of Songs’ says: ‘The turbid water of the River Jing seem even murkier when one sees them flowing alongside the limpid water of the River Wei. However, it flows clear near the little islets [where the water current is slower].’” 故君子之用世也，道不必盡同；智士之同朝也，轍不必相合；然大人致一用兩，未嘗不代明而錯行也。《詩》曰：「徑以渭濁，提提其址」。² Wei Yuan’s advocacy of increasing literati (urban elites’) participation as fulcrum for dislodging deeply-entrenched interests is a consequence of the belief that the best approximation of truth results most often from a combination of several different perspectives. Instead of turning to speculation in the face of one’s inability to reach absolute political truth, one should engage in learning, and thereby grasp situational truth and find a workable solution in the light of comparison and context.³

The third premise he establishes is the complementary, interdependent nature of a number of conceptual polarities that one might conventionally regard as mutually exclusive. Wei Yuan established this premise right in the beginning of his preface to HCJSWB where takes up four conceptual pairs that seem ontologically separate and shows that they are actually complementary and interdependent, or even inseparable: “deeds” (shi 事) and the “mind” (xin 心), “models” (fa 法) and “men” (ren 人), present (jin 今) and past (gu 古), and “external world” (wu 物) and “self” (wo 我). These conceptual pairs represent basic categories of administrative discourse and a principle idea behind the HCJSWB. The discussion of the four polarities serves the concrete purpose to justify the statecraft circle’s reform projects and the format of the HCJSWB against common objections, most notably that it is more important to practice one’s moral intuition in reclusion than to engage in administration, that moral integrity of bureaucratic personnel is the key to good governance, that concrete administrative procedures and institutional arrangements are perfectly exchangeable, or that one should not base decisions on other people’s opinions, but only on one’s own opinion, government must not change ancient models. Wei Yuan counters these arguments by contending that the extensive study and controversial discussion of practical and technical (not just moral) aspects of governance is a legitimate and worthy occupation for urban-based degree-holders. He concedes that deeds and models, as well as present and external

¹Kuhn (1995), p. 310.

²WYQJ, vol. XII, p. 50, translated in Kuhn (1995), p. 310. Again, Kuhn (1995) notes Wei Yuan’s departure from the conventional reading of the ode that was conventionally explained as critique of the king’s judging an old wife by comparison to a younger, prettier one. Wei lends the poem a more general significance by presenting it as an illustration of a general skepticism about man’s “ability to reach absolute truth” and the insight that “we can grasp political truth only in the light of comparison and context”.

³This is evidenced in a passage discussed below in which Wei Yuan writes of the sage rulers’ broad consultation of reports from across their realm.

world logically derive from the mind, from men, from the past and the self. But he takes recourse to analogies to visualize the interdependent nature of the polarities and argues that it is nevertheless legitimate to discuss the derivative concepts, that is, deeds, models, present and external world, in their own right. The polarities manifest the “traditional organic view of upper and lower partners differentiated by function rather than value”.¹ I suggest that polarity and analogy are not just rhetorical figures to Wei Yuan and that he also formulates a more general epistemological strategy with the discussion. This strategy is to overcome confusion by recognizing the complementary nature of ostensibly irreconcilable dichotomies and by admitting that, most of the time, certainty emerges in specific contexts through comparison, instead of deriving from some absolute norms or frame of reference. Analogy and polarity are two fundamental intellectual figures with which Wei Yuan understands the world and his age. This is evident from the fact that the four polarities from the preface to the HCJSWB figure prominently in the Essays on Scholarship and Government. After the twenty-five years that had passed since the publication of the HCJSWB, Wei Yuan still seemed to feel that he had to clear up misunderstandings regarding several polar concepts in order to counter fundamental opposition against administrative reform. Wei Yuan takes them up one after the other in an exposition of his political thought that is less abstract than the one in the preface.

Through the first polarity, Wei Yuan makes the point that engagement with practical affairs (shi 事) is as important as cultivating the innate knowledge of one’s mind (xin 心). When he writes that practical affairs are a result of or, literally, are rooted in the heart-mind, Wei Yuan probably has two things in mind. A person’s mental disposition determines how a person acts. How a person relates to and judges external or past affairs also depends on this person’s mental disposition. The two analogies Wei Yuan draws may admittedly not appear particularly straightforwardly to the modern reader. In the first analogy, Wei Yuan appears to relate the human mind to a seal that, once inscribed with a certain script type, cannot render its text in any other script type but the chosen one. With this, Wei Yuan probably relates to the fact that human perception is limited by the time and space one lives in, and that, once adopted, there are certain deeply entrenched biases or early acquired habits of perception that it is nearly impossible for the human mind to overcome.

Practical affairs² are necessarily based on the heart-mind. If we create a myriad imprints with one seal, they all come out perfectly identical. If the seal is inscribed in ordinary script, can one use it to print ornate script with it? If the seal is inscribed in ornate script, can one print ordinary seal script with it?

事必本夫心。璽一也。文見於朱者。千萬如一。有璽籀篆而朱鳥跡者乎。有朱籀篆而璽鳥跡者乎。

The second analogy seems to speak more directly to those Confucian adherents who shun involvement

¹Mitchell (1970), p. 62.

²Depending on the context, shi 事 can also be translated as actions, deeds, events, matters or facts.

in mundane affairs and regard a style of self-cultivation that is detached from the outside world as the ideal way to attain real knowledge. Wei Yuan admits that every scale needs measuring marks to be of any use. Those measuring marks conform to human-made standards (measuring units) and the quantities they measure are in a way products of the human mind. However, if the scale indicates a certain weight, this is still the result of the presence of an actual physical object and not just subjective mental fiction. Thus, what Wei Yuan argues is that engagement with practical affairs is just as important to gain knowledge as self-cultivation. By implication, an assessment of the success of a person's self-cultivation is only possible by observing the actions of that person.

Although a scale without measuring marks is useless, the actual weight of an object is what produces the measured weight on the scale, not the other way round. Anyone who wants to properly speak about the mind has to verify it by observing practical affairs.

然無星之秤不可以程物，輕重生權衡，非權衡生輕重。善言心者必有驗于事矣。

With the second polarity, Wei Yuan argues that models (fa 法 or, depending on the context: institutions, laws, methods, models or systems) are just as crucial as human agency (ren 人), and should therefore receive proper attention. In the statecraft context, Wei Yuan had laws, institutions and administrative regulations in mind when speaking of standards. Wei Yuan admits that standards, be they of a technical, administrative, legal or any other nature, have to be implemented by humans to take any effect at all. The best carriage will not move its load for one inch without the agency of a human driver. Standards are nevertheless indispensable, as even the most decent craftsmen has to observe external standards such as track widths and employ blueprints to build a properly functioning carriage. By way of analogy, Wei Yuan warns of taking the conventional emphasis on the role of men (ren 人) in government to its extreme, a position which denies the possibility that any one set of regulations can be superior to any other set of regulations. Laws, institutions, or regulations have to be implemented and complied with by humans to take effect, but good laws make a difference and should always be preferred over bad laws.

Standards necessarily depend on human agency. A cart with five-inch hubs can transport its load a thousand miles, but without a driver, it will not even move an inch. However, even the famous craftsmen Lu Ban and Wang Er with their sharp eyes and great imagination were not capable of building a fully functioning carriage behind closed doors. Anyone who wants to properly speak about human agency has to take standards into consideration.

法必本夫人。轉五寸之轂，引重致千里，莫御之，跬步不前。然恃目巧，師意匠，般、爾不能閉造而出合。善言人者必有資於法矣。

With the third polarity, Wei Yuan makes the point that while past events and wisdom are of immense value, the present circumstances and innovations are just as essential. The cultural heroes of the past

have made inventions and founded institutions that advanced Chinese civilization. However, not everything from the past is equally relevant to the present. There is still the need for later born innovators to improve on past inventions and to adapt past institutions to the changed circumstances of the present. Wei Yuan extends on the past-present polarity in an essay in the *Essays on Scholarship and Government* on the question in what way the Three Ages (Xia, Shang and Western Zhou Dynasties) and their allegedly ideal institutions can be a model for the present, and in what way they cannot. In the essay, Wei Yuan lists the innovations in several fields that have improved life since the Three Ages as evidence that the present does not need to stick to the institutions of the past to the letter. Wei Yuan furthermore provides a theoretical argument for the necessity of change that draws upon the idea that while the Way is unchanging, the qi 氣 (“air” or “vital energy”) is constantly active and transforming the material and living forms in the world. This results in ever changing “circumstances”, “power structures” or “power constellations” (shi 勢), which, in turn, necessitates innovations also in the institutional and civilizational areas. Also, the “passing on” or “transmitting” (chuan 傳) of a thing is always also “transforming” the original thing, like a piece of firewood sustains but at the same time transforms the fire that was used to ignite it, and like a descendant continues his ancestors’ line and legacy, but transforms it at the same time. This factor of change has to be kept in mind when observing the past and present in order to prevent faulty scholarly judgments and wrong governmental decisions, Wei Yuan says: “Using the past to regulate the present means failing to do justice to the present. Using the present to assess the past means failing to do justice to the past. If one fails to do justice to the present, one will be unable to govern (zhi 治). If one fails to do justice to the past, one will be unable to pursue learning (xue 學).” 執古以繩今，是為誣今；執今以律古，是為誣古；誣今不可以為治，誣古不可以為學。¹

The present necessarily depends on the past. The sixty-year-cycle devised by the Great Nao can be used for thousands of years without alteration. But last year’s calendar cannot be used for this year, the inventions of our great-great-grandfathers and our great-grandfathers are not as convenient to use as the ones of our grandfathers and fathers. The more recent the times, the more similar the circumstances. The sages adapt their attitudes and statesmanship to the times and circumstances. Anyone who wants to talk about the lessons of the past has to check their validity in the present.

今必本夫古。軒撓上之甲子，千歲可坐致焉。然昨日之歷，今日不可用，高、曾器物不如祖父之適宜。時愈近，勢愈切。聖人乘之，神明生焉，經緯起焉。善言古者必有驗于今矣。

By putting forward the fourth polarity, Wei Yuan advocates that one’s own perspective on things is just as important as alternative perspectives, and that one should therefore still broaden one’s horizon by learning from the opinions of others and by engaging in controversial discussions. Wei Yuan speaks

¹WYQJ, vol. XII, pp. 48–49.

favorably of controversial discussions because he seems to think that they take major critical points of each opinion into consideration and therefore lead to simple and viable solutions.

Things in the outside world (wu 物) necessarily depend on the observation of oneself (wo 我). But if two things rub against each other, something more refined results. If two minds confront each other's opinions, doubts arise. If these doubts are critically debated, a simple and viable solution results. The 'Book of Songs' says: 'Wisely arranged are the great plans; Sages devised them. What other men have in their minds, I can measure by reflection'.¹ It further says: 'everywhere I seek information and advice', 'everywhere I seek information and counsel'.² This is how the people of antiquity relied on their own mind by not daring to rely upon their own mind alone. They were eager to inquire what others had in their minds, and thus broaden their own minds in an incremental process of repeated discussion and continued exchange of ideas. Anyone who wants to speak about oneself has to seek exchange with others in the external world.

物必本夫我。然兩物相摩而精出焉，兩心相質而疑形焉，兩疑相難而易簡出焉。詩曰：秩秩大猷，聖人莫之，他人有心，予忖度之。又曰：周爰咨度，周爰咨謀。古之內恃其心也如是。古之不敢自恃其心也如是。古之必求入夫人人之心，善出其人人之心以自恢其心也如是。切焉劘焉委焉輸焉。善言我者必有乘于物矣。

The exposition is followed by a definition of two key terms in Wei Yuan's statecraft thought, order or government (zhi 治) and learning (xue 學). Wei Yuan starts out on a cosmological note and anchors his definitions in the universe of the Book of Changes (Book of Changes 易經). The beginning and end of the fifth verse of the Appended Remarks (Xici shang 繫辭上) act like a bracket around Wei Yuan's explanations of zhi, so that the passage resembles a variation turned upside-down of the fifth verse. The fifth verse starts with a description of the Way (dao 道) and ends in a description of affairs (shi 事) and, lastly, spirits (shen 神). The verse presents the Way as the perpetual succession of yin and yang, the active principle and the passive principle: "The alternating dominance of the passive and the active principle is called the Way." 一陰一陽之謂道. Affairs are what can the diviner can gain certainty about when observing the changes, the verse tells us, while spirits are what is unfathomable in the movements of yin and yang: "What can be understood by observing the changes is called affairs, what is unfathomable in the succession of the passive and active principle is called spirits." 通變之謂事陰陽不測之謂神.³ Inside the brackets, Wei Yuan presents the socio-political hierarchy as a rational division of labor.⁴

¹Legge (1861), 4:342.

²Legge (1861), 4:250.

³Legge (1899), pp. 355–357.

⁴Wei's representation of the socio-political hierarchy is comparable to the one in Han Yu's 韓愈 Yuan dao 原道. Han & Wei (1200), p. 390.

The kings and lords establish and adapt it, the high officials receive and spread it, the many lower officials, functionaries, peasants, craftsmen, merchants and soldiers perform their special tasks to implement and execute it in the whole realm.¹ Here we have the “hierarchical human organization patterned on the larger universal order” of the New Text School (jinwen 今文) with its “political schema stressing ruler-ship and structured subordination”.² In line with the tenets of the New Text school, this socio-political hierarchy represents a functional differentiation that aims for stability, rather than stressing a ranking of roles in which a person’s status (wei 位) automatically corresponds to this person’s intrinsic value or moral capacity (de 德).³ This functional hierarchy is what constitutes proper government or order (zhi 治), which Wei Yuan defines as “men standing on top of other men” 人積人.⁴

Wei Yuan’s statements on the nature of the Way bear clear conceptual resemblance to the corresponding verse in the Book of Changes. The Book of Changes states that the Way is the effect of the alternation of the passive and active principle, while Wei Yuan speaks of the alternation of decline and blossom, decay and renewal. However, Wei Yuan markedly departs from the Book of Changes by not simply speaking of “the Way” (dao 道), but of “the Way and the Vessel” (dao yu qi 道與器). The twelfth verse of the Xici shang defines the Way and the Vessel in relation to material form xing 形. The Way is what is antecedent to material form (xing er shang 形而上), abstract principles of things and affairs, while the Vessel is what is subsequent to material form (xing er xia 形而下), concrete realizations of things and affairs. Later in the Essays on Scholarship and Government, Wei Yuan defines government or order (zhi 治) as “all affairs related to the forms the Way takes”, and further splits these “forms the Way takes” up into vessel (qi 器), (de)termination (duan 斷), and resources (zi 資). He links vessel to rites and music, (de)termination to military and punishments, and resources to economy and finance. While “rites and music” can refer to the institutional framework in general, not just narrowly to ritual and musical institutions, it seems as if Wei Yuan excludes both military, penal, and economic and financial matters from the Vessel. However, I would argue that this reading cannot be transferred to the preface, as both Wei Yuan and the HCJSWB is very much concerned with military, penal, economic and financial affairs, so that qi should be regarded as a designation for “all forms the Way takes” here.⁵ “Wei’s scheme was a complex fusion of a constant, the Tao; a ceaselessly changing element, events; and a recycling element [an ethical norm], comprehension of the constant manifested in dealing with the ceaseless changes.”⁶ Be that as it may, Way and Vessel are the only abstract concepts in the preface that Wei Yuan defines

¹Wei Yuan never substantiates whether this “it” (zhi 之) refers to zhi 治 or dao 道 and qi 器, or both.

²Mitchell (1970), pp. 30–31.

³Mitchell (1970), p. 42. This does not mean a departure from the ideal that all people should come equipped with the moral capacities that their roles require.

⁴The first ren 人 could also be read as singular “man standing on top of other men” or “a man accumulating other men”, referring to the emperor. There is a similar passage in the third of Wei Yuan’s Essays on Scholarship and Government, where Wei Yuan explains the Son of Heaven as “the product of the multitude of men” 天子者眾人所積而成, essentially equating the Son of Heaven with a “network effect”. However, as the present sentence is preceded by a description of the multi-layered of all social roles, the chosen reading is preferred here.

⁵?, vol. XII, p. 23.

⁶Mitchell (1970). p. 49.

not separately, but together as a pair. This might indicate his conviction that the Way could not exist independently of the Vessel, and vice versa. The question is if Wei Yuan himself thought he had a definite answer to the question of what (norms etc.) belonged to the unchanging category, and what to the changing category. He has some statements on orthodox norms (some of them on disconcerting topics such as “On the practice of feeding one’s relatives with one’s own flesh” 割股對¹) but his insistence on broad study in order to get a feeling for historical contingency seems at odds with moral dogmatism.

That which permeates everywhere is called spirits. That which takes specific form is called affairs. Those who establish and adapt² are called kings and lords. Those who receive and spread are called high officials at the court and all over the country. Those who make the plans for implementation, dedicate their talents, perform all sorts of specialised tasks, tirelessly, and bring it to the whole realm are called secretaries, clerks, peasants, craftsmen, merchants and soldiers. Men standing on top of other men is called government³. The replacement of one rule by the next forms the present and past. What goes through decline and blossom, decay and renewal is called the Way and the Vessel.

蟠焉際焉之謂神。效焉法焉之謂事。創之因之謂之后王君公。承之宣之謂之大夫師牧。役智、效能、分事，亹亹達之天下謂之府史胥徒農工賈商卒伍。人積人之謂治。治相嬗成今古。有沕隆、有敝更之謂器與道。

Wei Yuan speaks of the Vessel and the Way as something that the human mind can grasp or at least gain approximate grasp of, men can learn about the abstract principles through their concrete realizations, making sense of the workings of the universe by observing its changes and distinguishing the constants and variables. In the *Essays on Scholarship and Government*, Wei Yuan writes that the Way does not change, and contrasts this with the “structures of power” or “constellations of power” (shi 勢), which are permanently changing.⁴ An unchanging Way does not contradict how Wei Yuan presents the relationship between the Way and the Vessel here, though. Wei Yuan presents the Way as something that is so intricately interwoven with the Vessel that human intellect cannot properly separate the two from each other and perceive the true essence of the Way without observing the Vessel.

According to Wei Yuan, learning or scholarship (xue 學) fulfills the practical purpose of guiding government (zhi 治) through the study of the Vessel and the Way. Learning is simply the systematic study of Way and Vessel. The purpose of learning is to first bring order into one’s own thoughts, and from there into one’s immediate social environment, the state and the world. Learning enables people to first order to their own mind and life and then to order the realm.

¹HCJSWB, 60:35a–b

²The yin 因 could mean here either that established institutions are followed, or that they are adapted to the changing times, therefore, adapt was chosen as translation, which in a way strikes the best balance between both meanings.

³The term zhi 治 can not only mean government or rule, but also what government and rule intended to establish and maintain, i.e. order

⁴WYQJ, vol. XII, p. 48.

When lords, high officials and commoners search for the causes of the ups and downs of the Way and Vessel in order to bring order to themselves and the external world and in order to know what path to take and how to make sense of indeterminacy and change, this is called learning. Learning enables the teacher, the official, the scholar and the common man to investigate all matters concerning mind, person, family, country and realm, and to know how to correct, how to cultivate, how to order, govern and bring peace (pacify).

君公卿士庶人推本，今世前世道器之洿隆所由然，以自治外治，知違從知伍參變化之謂學。學為師長，學為臣，學為士庶者也，格其心身家國天下之物，知奚以正，奚以修，奚以齊且治平者也。

Ordering the realm is by no means a trivial task. The actions of the ruler have a profound impact on a great number of people. Rewards and punishments engender satisfaction or aversion, providing for education and nourishment engender feelings of happiness and joy, while the use of troops and enacting punishments engender anger and sorrow. The ruler therefore has to use the means at his disposal wisely and extrapolate beforehand what their effects will be. What is more, the ruler will often face situations where he needs to strike a compromise between the need for institutional continuity and institutional innovation, where it is not clear how to put decisions into practice once reached, or where the sheer complexity and uncertainty of the circumstances seems to make a principled decision impossible. This is where learning becomes indispensable. Learning, Wei Yuan promises, provides the student with orientation and guidance in a complex and ever changing world. It will render the student to perceive both the forest and the tree at the same time, to discern what remains constant and what is subject to change. Learning makes men see behind the complex surface of things and perceive something of their real nature, the basic principles of the cosmos, the Way.

Rewards and punishments will stir fondness and aversion, education and nourishment will inspire happiness and joy, military action and penal law will provoke anger and lamentation.¹ If one is perceptive both when it comes to the constant frame of reference and the fluctuating details, and receptive to the subtle and profound, then the need for institutional continuity will integrate nicely with the need for institutional innovation, and the results from consultations and debates will be easy to implement and put into practice. It will become apparent how to trace the most profuse and complex intricacies back to the principled nature of things which determines their dynamics.

綽鉞其好惡，教養其喜樂，兵刑其怒哀。亹亹乎經曲，森森乎精微，則遵襲循守與創制同，諏詢謀議與施措同。膠葛紛紜，至纖至悉，與性命流行品物同。

¹To account for the parallelism of the phrases in this sentence, all objects are rendered as the mental states or emotional expressions of the people (like and dislike, happiness and joy, anger and lamentation). The first phrase could also be translated as “using rewards and punishments to influence what the people like and dislike”, but while the second phrases could still be forced into a similar schema, it is impossible to find a corresponding parallel translation for the third phrase (it would make no sense to recommend a ruler to use troops and penal law to influence what the people are angry and lament about).

It remains for Wei Yuan to specify what learning actually is. For Wei Yuan, learning is broad exposure to practical affairs and other people’s “words”, ideally practiced by the sage kings of antiquity. The sage kings of antiquity built their rule on the careful evaluation of all information they could gather about their realm. Their scribes, Wei Yuan contends, recorded not only everything the ruler did and said, but everything relevant that was done and said in the whole realm. By studying the records and using them as basis of consultation with their ministers, the sage kings succeeded in not being confused by the surface complexity of things and by apparent contradictions. The mentioning of the left and right scribes strikes a parallel with Chen Zilong’s preface to the HMJSWB.¹ Gu Tang 辜澧 (fl. 1873) picks up the idea that breadth of information is conducive to a clear perspective and writes in the preface to the reprint of the 1873 HCJSWB: “the material included in this compendium is recent and ample, benefits and deficiencies are as easy to distinguish as white and black, the prescribed methods are systematic, so that it avoids the reproach of wanting to treat contemporary maladies with ancient recipes” 是編也。取材近。選言富。利病若白黑分。調劑各有法。古方今病之誚庶乎免矣。² The idea is also manifest in of the the editorial principles declared in the editorial notes, the broad selection of different or even contradictory approaches to a similar problem. In several cases, Wei Yuan comments on the contradictions between or within the writings and suggests a synthesis. See, for example, Wei Yuan’s comments on essays by Jiang Shiquan and Li Fu discussed on p. 81 and p. 143 that both employ the REN-FA polarity to discuss contradictions.

In antiquity, the left scribe³ recorded all the entangled events, while the right scribe recorded all the profuse words. Events cannot be altered once they have happened, the merits and drawbacks of words are clear once they have been uttered, the path taken is fixed, all indeterminants are fully known. The former kings used these records for consultation, to keep themselves informed about the people’s situation, to aggregate collective worries, to examine signs and to study ultimate reasons. They did not think that the study of things that had not yet taken shape was obscure, they did not regard the broad investigation of the basic principles of human affairs as inessential, they were not perplexed by the antinomy of light and dark (contradictions on the surface?), they did not regard overlapping rules and measures as exact duplicates of one another.

殽諸事則右史所述，蹟諸言則左史所記。事者一成而不可易，言則得失粲矣，違從係矣，參伍具矣。先王以之備矇誦，知民務，集群慮，研幾微，究中極。精窮蛄螻不為輿，博周倫物不為末，元黃相反不為異，規矩符疊不為重。⁴

Having set the task of emulating this model, the preface concludes with a brief note on authors and the

¹See Chen (1638), o:(Chen xu)1a.

²He & Wei (1887), o:2b.

³The antique shi 史 were in a sense proto-court historians, so shi could also be rendered as historiographer.

⁴The yuan 元 here replaces the taboo character xuan 玄 (which became taboo because it appeared in the Kangxi emperor’s birth name, Aisin Gioro Hiowan Yei (Xuanye) 愛新覺羅玄燁).

arrangements of contents, a topic that Wei Yuan expands on in the following editorial principles.

For this reason, I collected the words of famous officials, eminent scholars, brilliant literati and outstanding commoners, all of them significant works, into one hundred-twenty volumes, divided into eight overarching sections and sixty-three chapters. Six of the chapters are about learning, five about government, eight about state servants, twelve about households, nine about rites, twelve of them about military, three about punishments, nine about public works. This compilation was introduced by Wei Moshen (Yuan), proof-read by Cao Sheng, and completed in the sixth year of the reign of Daoguang (1826), in the eleventh month of the lunar calendar.

故聚本朝以來碩公、龐儒、俊士、畸民之言，都若干篇，為卷百有二十，為綱八，為目六十有三，言學之屬六，言治之屬五，言吏之屬八，言戶之屬十有二，言禮之屬九，言兵之屬十有二，言刑之屬三，言工之屬九。則總理于魏君默深校于曹生，告成于道光六年柔兆閹茂之仲冬也。

The editorial principles of the HCJSWB clearly reflect the principles of the HMJSWB and the QWZWC. The HCJSWB confirm the focus on practical administration, relevance as overarching criterion, entailing the preference for recent models over past models if they are more relevant to the present as well as no regard for the status of the author, and the inclusion of alternative and possibly controversial opinions.

The first editorial principle, entitled “Selection criteria” (Shenqu 審取), presents the relevance of writings for the present as the primary criterion for inclusion in the compendium, and explains the eight overarching thematic sections of the HCJSWB. Relevance means that writings that make points too lofty, too commonplace, or too anachronistic were not included. The eight overarching sections are a section on “Learning” or “Scholarship” (xueshu 學術), a section on the “Essence of Government” (zhiti 治體) the six sections on the government of the Six Boards of the Qing government, namely “Appointments” lizheng 吏政, “Household” huzhehg 戶政, “Rites” lizheng 禮政, “Punishments” xingzheng 刑政, and “Public Works” gongzheng 工政. Wei Yuan points out that the first section, “Learning”, contains writings which provide the guiding principles (gangling 綱領) for statecraft (jingshi 經世). The second section on the “Essence of Government” is meant to set forth the theoretical framework (gangwei 綱維) for the following six section concerned with the administrative tasks of the Six Boards.

In the second editorial principle, entitled “Breadth of selection” (guangcun 廣存), Wei Yuan explains the strategy of including several alternative solutions to an administrative problem. Different conditions may warrant different solutions, or the optimal solution to a controversially debated issue may lie somewhere in between two antithetical positions, or in a combination of both. The HCJSWB indeed includes writings that represent contradictory viewpoints on the same issues. This principle did not necessarily extend, however, to administrative issues on which the editors had a clear position, such as the

transport of tribute grain.¹ In the three chapters dedicated to the topic, the opponents of the proposal to switch to sea transport are not represented with writings. Wei Yuan furthermore notes that writings were not excluded just because they were written in an unconventional or pretentious style, as long as they contained valid points for the present. Furthermore, writings were included with no regard for the status and prominence of their author.

With the third editorial principle, entitled “Arrangement of content”, Wei Yuan points out the limits of a linear structure of sections and chapters. Wei states out that there are many issues which touch upon the responsibilities of more than one government agency and which cannot be unambiguously associated with one chapter or even one section, such as tribute grain transport or river conservancy, granaries or bureaucratic discipline. Wei therefore encourages the reader to scan more than one section and chapter in such cases. Wei furthermore states that the ordering of the writings within the chapters does not imply a ranking, a clear departure from the QWZWC which arranged the writings within each topic according to the preference.

The fourth editorial principle, entitled “Compilation and editing” (Tiaoli 條理) contains some remarks on the sources and editing of the writings. Wei underlines that the criterion that the writing included has to be relevant implies that writings by contemporary authors can be included, as “writings which are relevant for the times in which they are written should not be published only after their authors are dead” 殆以切時之言無須身後始出. Wei defends the modifications made to writings containing formulaic language and redundancies in order to render the writings more to the point. As previous scholarship suggests, these modifications were sometimes quite considerable.²

1.2.4 FORMAT, STRUCTURE AND SOURCES OF THE HCJSWB

The HCJSWB contains 2236 private and official writings by 702 authors from the reigns of all Qing emperors until the early Daoguang reign. Wei Yuan adopted Lu Yao’s arrangement by topic instead of author, reinforcing the idea that the primary aim of statecraft learning was to study particular problems, and that the study of thought and achievements of individuals was of secondary importance. While twelve sections had been enough to keep the slightly more than 400 writings included in the QWZWC organized, Wei Yuan had to expand the original structure. He introduced a two-tier structure with eight sections and 60 chapters spread across 120 volumes (some of the chapters filling two to five volumes). This two-tier structure was kept by the sequels until the late 1890s, when most sequels started to drop the overarching sections.

The first two sections of the HCJSWB present the ideological basis of scholarship (xueshu 學術) and

¹HCJSWB, 46–48

²See Song (2012) for a detailed analysis of the modifications of a sample of writings included in the HCJSWB. Yang (1990) reports instances in the HCJSWB where formulaic language at the beginning and end of writings was removed. Dunstan (2006) also suggests that editors of the HCJSWB abridged and changed many writings, as the versions in the HCJSWB often do not match other extant versions.

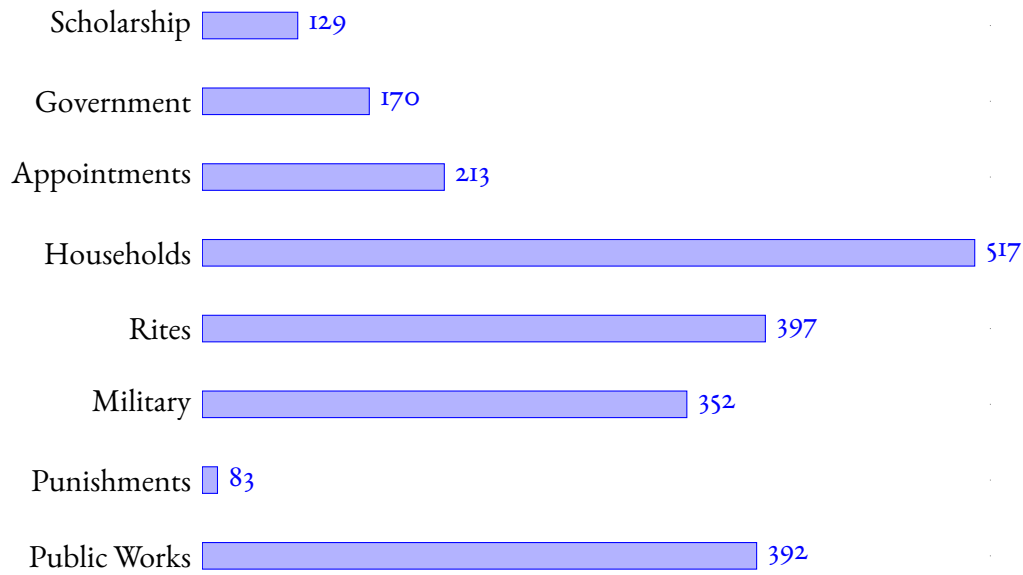


Figure 1.1: Number of writings in each of the eight section of the HCJSWB

the essence of government (zhiti 治體).¹ The remaining six sections are each named after one of the Six Boards of the Qing government and contain writings on the administration of personnel (lizheng 吏政), households or finance (huzheng 戶政), rites (lizheng 禮政), the military (bingzheng 兵政), public works (gongzheng 工政) and punishments (xingzheng 刑政). In these sections, theoretical writings, including presentations of canonical and historical authority, precede practical writings presenting current weaknesses and corruption and suggesting ideal systems. As can be seen from figure 1.1, the two initial theoretical sections on scholarship and government taken together are about as strong as one of the practical sections. The six practical sections contain on average 300–400 writings. The household section stands out with a total of 517 writings. That is partly explicable by the focus of the HCJSWB on state budget and the people's livelihood (guoji minsheng 國計民生). However, the imbalance between the households sections and the personnel sections is also partly attributable to the significant topical overlap of this section with the households section, a fact that Wei Yuan comments on in the editorial notes.²

The personnel section starts with two general introductory characters reflecting upon the role of the official and the bureaucracy as a whole. The introductory chapters are followed by one chapter on appointments, one on the organization and structure of the bureaucracy and one on the evaluation of officials. The remaining chapters of the section are dedicated to each of the roles in the bureaucratic hierarchy. There is one chapter on high officials (the “officials who administer other officials” 治官之官,

¹For an analysis of the scholarship section of HCJSWB, see Elman (1988). For an analysis of the scholarship and essence of government sections, see Huang (1985).

²HCJSWB, o:2.2a–b

that is, all officials above the district magistrate), three chapters on district magistrates (the “officials who administer the people” 治民之官), one chapter on clerks and runners and finally one chapter on private secretaries.

In the household section, three chapters introduce the *raison-d'être* of the Board of Revenue, namely the collection and management of fiscal revenues (*licai* 理財) and at the same time the securing of the people's livelihood and their moral health (*yang min* 養民). The remaining chapters of the section can be roughly categorized under these two (admittedly intertwined) aspects. On the fiscal side, there are five chapters on taxation, three on the grain tribute, two on the salt gabelle and one on the monopoly on alcohol. On the economic side, there are three chapters on agriculture, two on granaries and five on disaster relief, one chapter on military colonies and land reclamation and one on the livelihood of banner troops. The last two chapters are dedicated to monetary policy.

The voluminous rites section contains one general introductory chapter, two chapters on the court ceremonies, one chapter on schools, two chapters on the topic of ancestor worship, one chapter on family relationships, one chapter on wedding ceremonies and two on funeral rites, two chapters on the clothing system (dress code depending on social situation and status), two chapters on rituals and places of worship, and two chapters on habits and customs.

Ten of the twenty chapters in the military section are dedicated to border defense, two on the defense of the Northern and North-Western border regions, one on defense of mountain borders, three on naval defense and four on military action against tribes in the South. This shows the renewed interests into such topics that had been banned from discourse until the late Qianlong reign. Particularly noteworthy is the considerable interest in naval defense at this point in time already. Apart from that, the section has chapters on military strategy, military training, physical geography, military colonies and cavalry.

The relatively short section on punishments contains one general introductory chapter, two chapters on the penal code, and two chapters on the investigation of criminal cases.

The public works section is completely dominated by hydraulic engineering. There is one chapter on civil engineering concerned with the river shipment of wood for construction and the maintenance of roads and bridges. The remaining twenty-six are all concerned with hydraulic engineering, that is, river conservancy and irrigation schemes. There are eight chapters on Yellow River conservancy, three on maintenance of the Grand Canal, fourteen on river conservancy apart from the Yellow River as well as irrigation, and one on coastal embankments. The focus on river conservancy clearly illustrates the fact that “China's system of water transport, including the Yangzi River, functioned not only as a vital commercial artery but an integral component of the state's fiscal infrastructure”.¹ This and the distribution of chapters in the households section reflects the focus of the statecraft group in the Lower Yangtze valley (He Changling, Tao Zhu, Lin Zexu, Yao Ying etc.) on irrigation and agricultural methods on the

¹Halsey (2013), p. 398.

local level, and canal and river control, salt administration and currency reforms on the national level.¹

Most writings in the HCJSWB stem from printed collections, both collected works of individual authors (zhuanji 專集) and anthologies of the writings of multiple authors (heji 合集 and difangzhi 地方志 (mostly provincial gazetteers 通志, but also some prefecture 府志 and district gazetteers 州志/縣志). The editorial criteria (wuli 五例) state the greater reliability of printed materials as compared to handwritten copies in circulation (chuanchao 傳抄), and further that handwritten copies had only been taken into consideration if no printed edition had been available. The HCJSWB includes the writings of 54 contemporaries of which 14 had already published collections of their writings. The writings of the remaining authors were possibly obtained as handwritten copies (some of them handwritten copies consulted in archives or obtained from the authors themselves). The list of authors lists 398 authors whose writings were taken from collections of their personal writings and another 243 authors whose writings were taken from anthologies of memorials, compilations of administrative writings, local gazetteers, and obtained as handwritten copies.² In the process of compilation, some of the writings were modified, a fact which Wei Yuan mentions in the editorial criteria. These modifications included changes of title, merging of multiple writings into one, insertion of comments at the end of the writings, rewording of passages, deletion or summarization of passages, and the insertion of punctuation marks. These modifications were undertaken in order to render the writings more to the point and easier to read for contemporary readers.³

Top authors in the HCJSWB

Number of Writings	Author
97	Gu Yanwu 顧炎武
48	Chen Hongmou 陳宏謀
24	Zhao Yi 趙翼
23	Lu Shiyi 陸世儀
22	Fang Bao 方苞
21	Lu Yao 陸燿
21	Tang Zhen 唐甄
20	Li Fu 李紱
19	Wang Huizu 汪輝祖
17	*Wei Yuan 魏源
16	*Zhu Yunjin 朱雲錦
16	Chu Dawen 儲大文

¹Mitchell (1970), p. 55.

²For an analysis of the genres of the writings included in the scholarship and government sections, see Huang (1985), p. 22.

³For a discussion of the modifications undertaken on a representative selection of writings from the HCJSWB, see Song (2012), pp. 12–32.

15	Yan Ruyi 嚴如煜
14	*Gong Zizhen 龔自珍
14	Gu Donggao 顧棟高
14	Ortai 鄂爾泰
14	Yao Wenran 姚文然
13	Wei Xi 魏禧
13	*Ruan Yuan 阮元
13	Xu Ganxue 徐乾學
12	Lu Longqi 陸隴其
12	Chen Zufan 陳祖范
12	Yan Ruojia 閻若璩
12	Qin Huitian 秦蕙田
12	Zhang Hairui 張海珊
12	Quan Zuwang 全祖望
12	Chu Fangqing 儲方慶
12	Ren Yuanxiang 任源祥
11	Qian Daxin 錢大昕
11	Lan Dingyuan 藍鼎元
11	Zhang Penghe 張鵬翮
11	Zhang Boxing 張伯行
11	Sun Jiading 孫嘉淦
10	Huang Liuhong 黃六鴻
10	Guo Qiyuan 郭起元
10	Yuan Mei 袁枚
10	Cheng Jinfang 程晉芳
10	Wang Jin 汪縉
10	Wang Wan 汪琬
10	Yang Xifu 楊錫紱
10	Shi Fan 師範

Table 1.1: Authors represented with 10+ writings in the HCJSWB. The asterisk (*) marks authors still alive at the time of publication.

The HCJSWB includes writings by authors of a wide variety of outlooks. Metzger (1973) notes that the advantage of the term statecraft (*jingshi* 經世) was that, having its locus classicus in the Zhuangzi,

it was vague and uncontroversial, and could embrace a broad spectrum of opinions. Among the prominently represented authors are both outspoken advocates of Song-Ming Neo-Confucianism as well as prominent figures of the school of evidential scholarship. The Han learning advocate Li Ciming 李慈銘 (1830–1895) criticized the inclusion of a number of writings outrightly polemizing against Han learning. He acknowledges that the inclusion was due to the editors' legitimate wish to reestablish Song learning among scholars and officials.¹ Both hailing from Hunan, He Changling and Wei Yuan ensured a solid representation of Song learning including, for example, Cheng-Zhu advocates such as Fang Bao and Lu Shiyi (1611–1672), and one of the most important Lu-Wang advocates of the Qing dynasty, Li Fu (1673–1750).² Evidential scholarship is represented, for example, with writings by Qian Daxin 錢大昕 (1728–1804) and Ruan Yuan. Gu Yanwu's writings run through the sections as a common thread, albeit without including the Junxianlun 郡縣論 (Discussion of bureaucratic territorial administration) which the editors of the HCJSWB probably regarded as too anachronistic and impractical because it advocated the refeudalization of local government. Tang Zhen was among the Ming-Qing thinkers later highlighted by Cai Yuanpei and Zhou Zuoren for being part of a trend of naturalized ethics and utilitarian morality 倫理的自然化，道義的事功化.³ Also prominently represented are the authors of handbooks on practical administration such as Huang Liuhong, Wang Huizu and Chen Hongmou, and the historian Zhao Yi. The HCJSWB includes writings by Wei Yuan's peers from the statecraft circle immediately relevant to reform projects which they were involved in. The best represented contemporary authors are Wei Yuan and Gong Zizhen, but the compendium also includes writings by Bao Shichen (6), Tao Zhu (8), He Changling (2) and Yao Ying (7). Much like the HCJSWB does not stand for one particular intellectual affiliation, it does not stand for one particular approach to administration, but instead presents a range of options for dealing with specific issues.

Many or most of the writings included in the HCJSWB were not explicitly labeled as “statecraft” (jingshi 經世) but had been written as official communication or for other practical purposes such as in the context of a handbook for prospective or newly appointed officials. The editors did not regard contradictions between different practical approaches or different theoretical texts as inevitable and even desirable as the point was precisely the idea to work through a lot of material and develop the ability to make sense of controversial opinions and a feeling for circumstantial truths.⁴

¹Li (1965), pp. 620–621.

²Wang (2006), p. 432.

³Wang (2003), p. 133–137.

⁴A similar assessment can be found in Metzger (1973), p. 27, who writes that the statecraft movement “hardly introduced a practical concern with administration into the Ch'ing political scene. After all, many of the pieces in Huang-ch'ao ching-shi wen-pien are seventeenth- and eighteenth-century memorials, and their practical tone is the same which one can find in many governmental documents. [...] The contribution of the nineteenth-century ching-shi movement was mainly to lift practical concerns out of the mundane sphere of ordinary administration into that of intellectually prominent writing, thereby increasing interest in reform.” (my emphasis)

1.3 The manifesto's subscribers

The defeat in the First Opium War (1838–1840) was another signal of the dynasty's waning powers. British forces had improved their discipline, professionalized training, and built up an effective command and supply system and coordination of army and naval forces during recent continental wars. They faced a Chinese army in which confusion of command and supply as well as inept communication and indecisiveness exacerbated problems resulting from inferior weaponry and style of combat. The unequal treaties signed in the Xianfeng reign lead to a loss of customs and territorial sovereignty and also to a further loss of the dynasty's authority. As the court could not solve the causes of unrest, namely a shortage of arable land and official corruption, incidents continued to occur and culminated in the outbreak of the Taiping uprising during the Xianfeng reign (1851–1862).¹ Inner court power struggles during the early years of the reigns of the Tongzhi (1861–1875) and Guangxu emperors (1875–1908), both enthroned in child age, incurred further damage of the dynasty's image.²

The Tongzhi and Guangxu reigns, however, were also the period of “self-strengthening” 自強, an officially sanctioned policy aimed at strengthening China's position in the diplomatic and military field. The self-strengthening efforts were motivated both by the hope of building up strength to ward off future foreign aggression and the prospect to quell domestic rebellions. The chief advocates of self-strengthening at the court were Prince Gong (Aisin Gioro Yixin 奕訢, 1833–1898) and Wenxiang 文祥 (1818–1876), who had negotiated the peace treaty with the British and French after the Second Opium War. In the provinces, the leaders of the suppression of the Taiping forces, Zeng Guofan, Li Hongzhang and Zuo Zongtang, supported the court's policy of adhering to the treaties, while at the same time strengthening China's military power by training troops and manufacturing firearms and gunboats. In the 1860s, arsenal and shipyards, as well educational institutions for the training future diplomats, engineers and navigators in mathematics, sciences and foreign languages were established. These early efforts brought China closer to the appropriation of Western technologies. However, the success of most enterprises established in the context of self-strengthening was negatively affected by the high salaries paid to Western staff and Chinese officials (whose numbers were bloated by sinecure posts established by influential officials to accommodate protégés), as well as the high expenses for imported intermediates. Many early firearms and ships made in China were more expensive but of lower quality than imported counterparts. The training institutions suffered from the fact that the degrees they conferred were far less prestigious than the degrees awarded in the civil service examinations. But they trained personnel who would play important roles in later decades, for example Yan Fu, who, after graduating from the academy attached to the Fuzhou Arsenal went on to study at the Royal Naval College in Greenwich,

¹Lin (1994), pp. 24–28.

²Lin (1994), p. 26. Core issues behind the power struggles were the regency of the empresses dowager during the Tongzhi and Guangxu reigns, and the fact that the Guangxu emperor was from the same generation as the Tongzhi emperor. Lin argues that stakeholders in the power struggles, as well as many members of the official and literati elite regarded these issues as going against the “fundamental rules of etiquette” (lifa 禮法), and that this also influenced the image of the court in the eyes of these groups, adding to the image loss resulting from problems of political performance.

England. By the second half of the 1870s, the focus shifted from defense to industrialization, with the aim of building up transportation and industrial capacities.¹

1.3.1 RECEPTION OF THE HCJSWB

The editors of the HCJSWB wanted to turn the comprehensive study of administrative operations that included observing historical and contemporary official communication and other sources of administrative practice into an earnest intellectual endeavor by providing theoretical texts from which an ideological foundation could emerge. Their important credos were that scholarship should not lose sight of practical application and the betterment of the scholar's social environment, that scholarship played an important part in providing orientation and guidance for the administrator, and that recent institutional and administrative models were just as relevant or even more relevant as the models of antiquity. This manifesto created considerable resonance among officials and literati and enjoyed a growing readership throughout the nineteenth century. The amount of popularity the HCJSWB had reached at the end of the nineteenth century is manifest in Liang Qichao's suggestions the use of its format as a platform for popularizing the political ideas of his reform circle because of its high standing in the eyes of the readership, resulting in the compilation of the Huangchao jingshiwen xinbian 皇朝經世文新編 (New imperial collection of statecraft essays, hereafter HCJSWXINB/MAI) by Mai Zhonghua 麥仲華 (1876–1956), younger brother of a fellow student of Liang.²

Previous scholarship has already pointed to qualitative evidence of the HCJSWB's reception among a readership ranging from high officials such as Zeng Guofan, Zuo Zongtang and Zhang Zhidong to members of the provincial gentry such as Liu Dapeng 劉大鵬 (1857–1942).³ Twenty-nine-year old Zeng Guofan in Beijing mentioned in a letter and his diary to have just received a copy of the HCJSWB from home.⁴ Zeng also took note in the same year of having read thirty pages of the chapter "On Learning" (yuanxue 原學), fifty of the chapter "Confucian Practice" (ruxing 儒行) and another ten pages on three consecutive days.⁵ Ten years later, he noted in his diary that his most important two sources of practical statecraft were the Da Qing huidian 大清會典 (Statutes of the Great Qing) and the HCJSWB.⁶ The margins of Zuo Zongtang's (1812–1887) copy of the HCJSWB, which he had started reading at the age of nineteen, were all covered with notes, showing that he was an attentive reader of the compendium.⁷ Zhang Zhidong's influential bibliographical primer *Answers to Bibliographical Questions* (Shumu

¹Kuo (1983)

²HCJSWXINB/MAI

³Liu's interest in the HCJSWB is and the HCJSWXB/GE documented in Liu Dapeng's diary, Liu (1990).

⁴Zeng (1989), p. 28; Zeng (1987), pp. 90. Cited in Gong (2004), pp. 167–168.

⁵Zeng (1987), pp. 93–94.

⁶Gong (2004), p. 168.

⁷Luo & Zhu (1983), p. 7. Zuo Zongtang recommended in 1880 that the Historiographic compilation bureau (guoshiguan 國史館) compile an official biography of He Changling, and that he should be added to the list of notable personalities venerated in the provincial shrine of Hunan for his merits connected with the initiation of and involvement in the compilation of the HCJSWB. Zuo (1987), p. 603. Cited in Gong (2004), p. 167.

dawen 書目答問) first published in 1875 included the HCJSWB.¹

That the Shumu dawen rated the HCJSWB “highly relevant and useful” 最切用 certainly helped in establishing the HCJSWB as a must-read for scholars and as a popular reference book for the preparation of the civil service examinations.² Evidence for this can be found in the diary of Yang Changji 楊昌濟 (1871–1920) which documents a regular reading schedule starting in 1899.³ Yang’s case shows that there were exceptions to the rule that large compendia were not read in extenso as compared to shorter manuals stated in Will (2003).⁴ Yang Changji established this schedule in preparation for the provincial level civil service examinations which he never passed. After studying in Japan and Aberdeen, he taught in several public schools in Hunan before becoming a professor of philosophy at Beijing University.⁵ The provincial degree holder Liu Dapeng 劉大鵬 (1857–1942) mentions in his diary in 1896 that one of his students had returned from the capital with copies of the HCJSWB and the Huangchao jingshiwen xubian 皇朝經世文續編 (Sequel to the imperial collection of statecraft essays, hereafter HCJSWXB/GE) that he had ordered.⁶ Sun Baoxuan’s 孫寶宣 reading diary mentions both the HCJSWB and the HCJSWXB/SHENG.⁷ Liang Qichao writes that statecraft compendia were one source of the eclectic thought of his teacher Kang Youwei. Liang mentions in several letters his plans to compile an “Imperial statecraft compendium” as a platform for his reformist thought because the general reading public associated great authority and a high standing to the name.⁸

1.3.2 THE SEQUELS TO THE HCJSWB

The numerous reprints (see table 1.2) and sequels (see table 1.3) initiated in the second half of the nineteenth and early twentieth century are in themselves an indication of the popularity and commercial success of the HCJSWB. The prefaces and editorial notes of reprints and sequels of the HCJSWB provide qualitative information about the reception of the HCJSWB.⁹ Gu Tang 辜澐 (fl. 1871–1873) notes in the preface to the 1873 reprint of the HCJSWB that the compendium had “long been circulating all over the country, but the pirated copies book shop were selling were quite faulty which bothered readers” 久布濩乎海內坊間鋟板競售差謬良多讀者病之.¹⁰ Li Yuandu 李元度 (1821–1887) comments about the HCJSWB’s reception in the preface to the Huangchao jingshiwen xuji 皇朝經世文續集 (Sequel to the imperial collection of statecraft essays, hereafter HCJSWXJ/RAO) compiled by Rao Yucheng in 1881

¹Zhang (1935), p. 68. The HCJSWB is the last of several Qing anthologies of memorials (although a comment notes that it contains other genres if writings as well) and is followed by local gazetteers.

²Gong (2004), pp. 168–169.

³Yang (1978), p. 16. Cited in Gong (2004), p. 169.

⁴Will (2003), p. 35.

⁵Wan (2006), p. 727.

⁶Liu (1990), p. 62. Liu Dapeng further took note of the writings in the HCJSWXB/GE he had read between 1896–1897.

⁷Sun (n.d.), pp. 50–51; 58; 264; 715; 724

⁸Gong (2004), p. 123.

⁹While we must of course acknowledge that the authors of these texts had an interest to exaggerate the popularity and relevance of the HCJSWB in order to boost the relevance of their own compendium, we also have to remember that these works would not have been published had the initiators not believed that they had a market.

¹⁰He & Wei (1887) 0:2.1a

that it “circulated everywhere in the country and fulfilled its mission of ‘ordering the world’ (popularizing statecraft) in its title” 海內風行不愧經世之目.¹ Similarly, Yu Yue 俞樾 (1821–1906) comments in the preface for the HCJSWXB/GE compiled by Ge Shijun in 1888 that the HCJSWB “has been circulating all over the country for decades now, anyone with an interest in statecraft values it highly, and almost every household owns a copy” 皇朝經世文編數十年來風行海內凡講求經濟者無不奉此書為幾於家有其書.² Sheng Xuanhuai says in the preface to the Huangchao jingshiwen xubian 皇朝經世文續編 (Sequel to the imperial collection of statecraft essays, hereafter HCJSWXB/SHENG) compiled in the name of his father Sheng Kang that his father had often encouraged him to take up the HCJSWB to familiarize himself with administration.³

Reprints of the HCJSWB 1827–1903

Print	Publisher	Location
1827	-	Changsha ⁴
1851	Lailutang 來鹿堂	Ankang 安康 (Shaanxi)
1873	Shuangfeng shuwo 雙峰書屋	Fuzhou 撫州 (Jiangxi)
1882	Shuangfeng shuwo 雙峰書屋	Fuzhou 撫州 (Jiangxi)
1883	Jiangyou cuijun shanfang 江右翠筠山房	? (Jiangxi)
*1883	Tongwen shuyuan 同文書院	?
*1884	Jiangyou cuijun shanfang 江右翠筠山房	? (Jiangxi)
1886	Sibulou 思補樓	Shanghai
1887	Dianshizhai 點石齋	Shanghai
1887	Guangbaizhai 廣百齋	Shanghai
*1888	Guangbaizhai 廣百宋齋	Shanghai
1889	Guangbaizhai 廣百齋	Shanghai
1891	Shaozhou jinglun shuju 邵州經綸書局	?
*1891	Guangbaisongzhai 廣百宋齋	Shanghai
1895	Jishan shuju 積山書局	Shanghai
1896	Saoye shanfang 掃葉山房	Shanghai
1897	Siboulou 思補樓	Shanghai
1898	Hongwenge 宏文閣	Shanghai

¹HCJSWXJ/RAO o:1.1a

²HCJSWXB/GE o:2.1a

³Sheng (1897), o:14b.

⁴Zhang (1935), p. 68.

1899	Zhongxi shuju 中西書局	Shanghai
1902	Huanwen shuju 煥文書局	Shanghai
1902	Baoshan shuju 寶善書局	Shanghai
*1902	Jiujingzhai 久敬齋	Shanghai
*1902	Shangwu yinshuju 商務印書局	Shanghai
*1902	Ciyuange shuju 詞源閣書局	Shanghai
*1903	Sibulou 思補樓	Shanghai

Table 1.2: Reprints of the HCJSWB 1827–1903. The table shows a gap of more than twenty years between the first reprint in 1851 and the second reprint in 1873, followed by a gap of nine years before the third reprint. According to Gu Tang, pirated copies circulated during these gap period, however. He & Wei (1887), o:2a. During the following twenty years, reprints were produced every one to two years on average. Source: Song (2012), pp. 6–7, Janku (2003) and CALIS (2010). (*) indicates editions that have only one or two entries in CALIS (2010). Absence of the asterisk indicates that the information is confirmed by more than one source or multiple entries in CALIS (2010). There was furthermore a reprint of selected writings from the section on military policy 皇朝經世文編兵政摘抄一卷附寨堡圖說 compiled by Tan Cui 檀萃 in 1860.

Tang Shouqian’s comment on the reception of the HCJSWB in the preface to the Huangchao jingshi wen tongbian 皇朝經世文統編 (Comprehensive collection of statecraft essays, hereafter HCJSWTB/SHAO) in 1901 that after the publication of the HCJSWB “there was a temporary rise in paper prices (indicating that everybody rushed to buy a copy) and it was treasured in every household and by every man” 一時紙貴。幾乎家荊璧而人隋珠矣。¹ The editorial notes to the Huangchao jingshi wenbian wuji 皇朝經世文編五集 (Fifth sequel to the imperial collection of statecraft essays, hereafter HCJSWBWJ/QSZ) say that the HCJSWB and the sequels compiled by Rao Yucheng, Ge Shijun and Sheng Kang “all circulated widely and anyone who took an interest in statecraft had one at his home” 並行於世凡講求經濟者莫不家置一編。²

What has to be noted is that none of the sequels came near the HCJSWB in terms of popularity, though the HCJSWBX/GE did particularly well. Shanghai book shops still had the HCJSWB in stock in the early 1900s, and it even remained the best-selling statecraft compendium, Ge Shijun’s sequel rank-

¹HCJSWTB/SHAO o:1.1a

²HCJSWBWJ/QSZ, o:2.1a

ing second in terms of circulation.¹

Also telling of the success of the HCJSWB is a move by the missionaries Timothy Richard and Young John Allen who petitioned the court to ban writings critical of the Christian church in both the Haiguotuzhi and the HCJSWB.² The fact that the HCJSWB contains only a handful of writings on the foreign faith underlines the influence that missionaries ascribed to these writings nevertheless.

Sequels of the HCJSWB 1851–1903

First print	Title	Writings (Volumes)	Editor	Publisher	Location
1851	Huangchao jingshi wen-bian bu 皇朝經世文編補	365 (120)	Zhang Pengfei 張鵬飛	Lailutang 來鹿堂	Ankang 安康 (Shaanxi)
Self-strengthening period (yangwu 洋務)					
1882	Huangchao jingshi wen-bian xuji 皇朝經世文編續集	519 (120)	Rao Yucheng 饒玉成	Jiangyou cui-jun shanfang 江右翠筠山房	? (Jiangxi)
1888	Huangchao jingshiwen xubian 皇朝經世文續編	1358 (120)	Gei Shijun 葛士浚	Tushu jicheng ju 圖書集成局	Shanghai
1888	Huangchao jingshiwen xubian 皇朝經世文續編	750 (120)	Guankui Jushi 管窺居士	Shaozhou jinglun shuju 邵州經綸書局	?
1897	Huangchao jingshiwen xubian 皇朝經世文續編	2003 (120)	Sheng Kang 盛康	Sibulou 思補樓	Shanghai
Hundred Days Reform period (weixin 維新)					
1897	Huangchao jingshiwen sanbian 皇朝經世文三編	574 (80)	Chen Zongyi 陳忠倚	Baoshan shuju 寶善書局	Shanghai
1897	Shiwu jingshi fenlei wenbian 時務經世分類文編 (Shiwu jingshi wenbian chuji 時務經世文編初集)	377 (32)	Qiu ziqiang zhai zhuren 求自強齋主人	Yijinshi 宜今室	Hongkong

¹Relatedly, Zhou (2005) points out that books on Western learning in general did not dominate the book market in the early 1900s.

²Chen (1979), p. 77.

1897	Huangchao jingshiwen xinzeng shiwu xubian 皇朝經世文新增時務續編 (Huangchao jingshiwen sanbian zengfu shiwu yangwu 皇朝經世文三 編增附時務洋務)	86 (40)	Gan Han 甘韓	Saoye shanfang 埽 葉山房	Shanghai
1898	Huangchao jingshiwen xinbian 皇朝經世文新 編	599 (21)	Mai Zhonghua 麥仲華	Datong yishuju 大 同譯書局	Shanghai
New Policies period (xinzheng 新政)					
1901	Huangchao jingji wen- bian 皇朝經濟文編	2325 (128)	Qiu ziqian zhai zhuren 求自強齋 主人	Shenji shuzhuang 慎記書莊	Shanghai
1901	Huangchao jingjiwen xinbian 皇朝經濟文新 編	845 (61)	Yijinshi zhuren 宜今室主人 (Chu Guis- han 儲 桂 山)	Yijinshi 宜今室	Shanghai
1901	Huangchao jingshiwen tongbian 皇朝經世文 統編	2769 (107)	Shao Zhitang 邵之棠	Baoshanzhai 寶善 齋	Shanghai
1901	Huangchao jingshiwen tongbian 皇朝經世文 統編 (Zengji huangchao jingshiwen tongbian 增 輯皇朝經世文統編)	1833 (120)	anon	Shenji shuzhuang 慎記書莊	Shanghai
1902	Huangchao jingshiwen sibian 皇朝經世文四編	675 (52)	He Liang- dong 何 良 棟	Baoshan shuju 鴻 寶書局	Shanghai
1902	Huangchao jingshiwen xinbian 皇朝經世文新 編	475 (21)	Mai Zhonghua 麥仲華	Yaolin shuguan 瑤 林書館	Shanghai

1902	Huangchao jingshi wenbian wuji 皇朝經世文編五集	377 (32)	Qiushizhai 求是齋	Yijinshi 宜今室	Shanghai
1902	Huangchao jingshiwen xinbian xuji 皇朝經世文新編續集	570 (21)	Gan Han 甘韓	Shangjiangxuezhai shuju 商絳雪齋書局	Shanghai
1902	Huangchao jingshiwen xuxinbian 皇朝經世文續新編	558 (30)	Chu Guishan 儲桂山	Yiji shuju 義記書局	?
1902	Zuixin jingshi wenbian 最新經世文編	785 (130)	Zou Wangbin 鄒王賓	Baoshanzhai 寶善齋	Shanghai
1903	Huangchao xu'ai wenbian 皇朝蓄艾文編	1079 (80)	Yu Baoxuan 于寶軒	Guanshujia 官書局	Shanghai

Table 1.3: Sequels of the HCJSWB 1851–1903. Source: Feng (2002), pp. 560–561, Gong (2004), p. 177, and CALIS (2010).

We saw that the two statecraft compendia most frequently mentioned in officials' and scholars' diaries are the HCJSWB itself and Ge Shijun's sequel. This corresponds with the reprints registered in CALIS (2010). For Ge Shijun's sequels, the database lists one reprint in 1891, one in 1896, three in 1898, one in 1901 and two in 1902.¹ Chen Zhongyi similarly notes in his editorial notes for the Huangchao jingshiwen sanbian 皇朝經世文三編 (Third imperial collection of statecraft essays, hereafter HCJSWSANB/CHEN) in 1897 that Ge Shijun's sequel was circulating all over the country while Rao Yucheng's sequel had not circulated widely.² The HCJSWSANB/CHEN would become the third sequel to see several reprints. The sequel compiled by Chen Zhongyi was reprinted three times in 1898, once in 1901 and three times in 1902.³ One common feature of the HCJSWBWJ/GE and the HCJSWSANB/CHEN is that they have a preface written by Yu Yue. The Shiwu jingshi fenlei wenbian (1897) was reprinted in 1902 under the title Huangchao jingshi wenbian wuji 皇朝經世文編五集 (Fifth imperial collection of statecraft essays, the HCJSWBWJ/QSZ).⁴ Similarly, the HCJSWXINB/MAI of 1898 was reprinted in 1902 in a version cleared of most of the writings of the exiled Hundred Days reformers Liang Qichao

¹The reprints were published by the Guangbaosongzhai 廣百宋齋 in Shanghai in 1891, the Baoshan shuju 寶善書局 in Shanghai in 1896, the Wensheng shuju 文盛書局 in Shanghai, the Shanghai shuju 上海書局 and the Hongwenge 宏文閣 in Shanghai in 1898, the Jiujingzhai 久敬齋 in Shanghai in 1901 and the Chongxin shuju 崇新書局 in Shanghai and the Tianzhang shuju 天章書局 in 1902. CALIS (2010).

²HCJSWSANB/CHEN, 0:2.1a

³The reprints were published by the Baoshan shuju 寶善書局 in Shanghai, the Zhejiang shuju 浙江書局 and the Shanghai shuju 上海書局 in 1898, the Shanghai shuju 上海書局 in 1901, and the Shanghai shuju 上海書局, Zhongxi shuju 中西書屋 in Chongqing (Sichuan) and the Longwen shuju 龍文書局 in 1902. CALIS (2010).

⁴The paratexts of both compendia are identical but re-dated to the year 1902 in the HCJSWBWJ/QSZ.

and Kang Youwei, a few remaining with the indication that the author was unknown.

When trying to pinpoint the reasons for the increase in reprints and sequels and the changes in the 1880s and 1890s in content and form introduced in the sequels, it turns out that both advancements in printing technology and changes to the content and form civil service examinations can provide an explanation. The announcement of these changes or rumors circulating before the official announcement preceded changes in the compendia. The civil service examinations had a huge impact on the book market, on the intellectual pursuits of the mainstream and therefore also on the intellectual transformation in China at the turn of the last century. The inclusion of several chapters on Western mathematics in the HCJSWXB/GE coincided with the introduction of an elective mathematics examination in the provincial examination. In 1887, the government consented to introduce an elective mathematics examination into the provincial examination process on the request of Chen Xiuying 陳琇瑩 (1853–1889), censor of the Jiangnan circuit.¹ The boom of sequels in 1897/98 and 1901/1902 coincides with the court’s announcement to introduce an examination on statecraft (*jingji teke* 經濟特科) into the civil service examinations, which would test candidates’ knowledge on current domestic and foreign affairs, mathematics and law, science and technology. After the Second Sino-Japanese War (1894–95), the Guangxu emperor consented to a proposal submitted in 1897 by Yan Xiu 嚴修, provincial education commissioner of Guizhou, to introduce an examination on statecraft. In 1898, the court announced the abolition of the eight-legged essay which candidates had to compose in answering questions on the Four Books and Five Classics (*si shu wu jing* 四書五經). Instead, the evaluation of the candidates would give full weight to policy essays (*celun* 策論) in which candidates had to apply their understanding of the classics and histories to answer questions related to current affairs. This change was, however, never enacted, as it was revoked by the Empress Dowager in her coup d’état in 1898, only to be reintroduced in 1901 against the background of her “New Policies” (*xinzheng* 新政). A novelty in the regulations of 1901 as compared to 1898 was that essay questions were required to test candidates of the provincial and metropolitan exam (*huishi* 會試) explicitly for their knowledge of Chinese and foreign politics and technology.² The author of the preface to the HCJSWBWJ/QSZ mentions the change of three rounds of the provincial examination into *celun*, examination questions that ask the candidate for comments on current affairs.³ Tang Shouqian opens his preface to the HCJSWTB/SHAO with a reference to the edict in 1901 reestablishing the statecraft special exam (*jingji teke* 經濟特科) of 1898 and presents the HCJSWTB/SHAO as reference book for preparing the civil service examinations.⁴ A growing focus on Western institutions and on the national level superseded the concern for detailed accounts of administration on the local level. In

¹Fan (2016). Not many candidates made use of the option and successful candidates were few as well. One participant in the mathematics examination won a *juren* degree in 1888, while none won a degree in the succeeding provincial examinations, with the number of participants ever shrinking, also probably because the mathematics examination had to be prepared on top of the usual curriculum.

²Yang (2013a), p. 27

³HCJSWBWJ/QSZ, 0:1.1a. The HCJSWBWJ/QSZ is a reprint of the *Shiwu jingshi fenlei wenbian* 時務經世分類文編 of 1897. As the paratexts of both compendia are identical, this must refer to a policy in or around 1897.

⁴HCJSWTB/SHAO, 0:1a.

1904, the court decided that the civil examination system in its old form would be phased out starting in 1905. In 1905, the system was abolished completely.¹

EDITORS OF THE SEQUELS

Some of the sequels indicate only one name as compiler, while others indicate a team with several roles. These roles do not always reflect the actual role played in the compilation.² Among the compilers are officials such as He Changling, Zhang Pengfei, Rao Yucheng and Sheng Xuanhuai; private secretaries such as Wei Yuan, Miao Quansun and Wang Xun; ordinari literati such as Ge Shijun and Chen Zhongyi and Yu Baoxuan; and professional book publishers such as He Liangdong and probably most of the editors publishing under a pseudonym.³ Note the tactic of several of the lesser known editors to at least have a preface written by a prominent official, for example Rao Yucheng by Li Yuandu, Ge Shijun and Chen Zhongyi by Yu Yue, Gan Han by Duan Fang 端方 (1861–1911), governor-general of Huguang. Commercial incentives certainly played a role for most of the initiators to undertake the extensive compilation effort that many of the sequels required. Gong (2004), p. 58, notes that Zhang Pengfei, founder of the first publishing house in the region of Ankang (Shaanxi) and therefore equipped with some commercial background, would not have compiled his sequel had he not estimated that it would find a market. The close correlation between the publication of statecraft compendia and modifications to the format of the civil service examinations from the late nineteenth century onwards (see table 1.3) also suggests this. The huge supply of compendia on the market is likely to have met a demand similar in scale. Even with the availability of more economic printing technologies at the end of the nineteenth century, the editing of a publication of the size of a statecraft compendium with over a hundred volumes was time-consuming and represented a substantial economic risk. Editors would only take it if they felt confident that the compendium would sell.

Although sources of biographical information are not ample for many of the editors, there is still reason to believe that at least some of them simultaneously had additional motives in compiling their statecraft compendia.⁴ There are indications that the wish to propagate personal reform projects (for example Sheng Xuanhuai and Mai Zhonghua with Liang Qichao in the background) and sympathy with the idea of reference books for practical administration as well as with the ideas expressed in the preface and editorial notes of the HCJSWB and the wish to present an updated sequel (Zhang Pengfei, Ge Shijun) played a role. Most paratexts of the reprints and sequels connect with the basic tenets of the HCJSWB's paratexts such as the simultaneous need for ideological and intellectual guidance and for models that show how to proceed from knowledge to practical realization.⁵

¹Franke (1960), p. 59.

²See, for example, Gong (2004), pp. 54–55 and 104–122, for the case of the HCJSWXX/SHENG.

³Gong (2004), pp. 57–58.

⁴Biographical sources are essential to solidify hypotheses about the motives of the editors. Yang (1990) argues that Ge Shijun had mainly commercial motives, while Lin (1994), pp. 35–37, presents additional biographical information on Ge Shijun, his grandfather and father to argue that Ge had a genuine interest in statecraft studies.

⁵For example, Zhang Pengfei writes that He Changling's idea in compiling the HCJSWB had been “that it was inap-

The first sequel to the HCJSWB was the Huangchao jingshi wenbian bu 皇朝經世文編補 (Extended imperial statecraft compendium, hereafter HCJSWBB/ZHANG) printed in 1951.¹ The compendium is a reprint of the HCJSWB extended by some 370 additional writings and with annotations added in the margins of both the original and the additional writings. Zhang Pengfei 張鵬飛 (1783–1854), the editor, had been an academy teacher in Shaanxi before he entered the civil service holding the office of an assistant department magistrate in Sichuan province. He also was a publisher. The Lailutang 來鹿堂 he founded and which published his HCJSWBB/ZHANG was the first publishing house in his home region of Ankang in Shaanxi.² The publication of the HCJSWBB/ZHANG shows, on the one hand, that the HCJSWB was received not only in the metropolitan area but also in the North Western provinces, and, on the other hand, that Zhang Pengfei estimated that it was well received enough that an amended and updated reprint would find a readership among the North Western based scholars and officials. In the preface, Zhang Pengfei expresses his enthusiasm for the philosophy behind the HCJSWB and explains his reasons for publishing an extended reprint. Zhang Pengfei credits the HCJSWB with the intention to revert “the amorphous disease” 無形之疾³ – corruption, incompetence and lethargy – afflicting contemporary administration. Zhang Pengfei highlights the HCJSWB’s principle of emulating recent models where the emulation of ancient models is impracticable or inappropriate, and its focus on state finance and the people’s livelihood. He justifies the reason for adding further writings with the fact that the HCJSWB focused on topics relevant to the administration of the South-Eastern regions so that adding writings on North-Western administration seemed a worthwhile complement to the original compilation. At the end of the preface, Zhang Pengfei shares his vision that his own sequel might just be the first on a whole series of sequels that will present updated version of the HCJSWB in the future and fill in gaps that his own sequel has not yet filled: “be it a second, third, fourth or fifth sequel, they will all amend what my limited experience cannot amend” 不憚二續、三續、四五續，以助見聞之不逮⁴.

Zhang Pengfei was right, but he would have to wait some fifty years for a fifth sequel to appear. After Zhang Pengfei’s sequel in 1851 there seem to have been no reprints or sequels of the HCJSWB until Rao Yucheng published a reprint of the HCJSWB in its original form but as pocket edition (xiuzhenben 袖珍本) in 1873 (via further reprints in 1882 and 1883) and his sequel in 1881. The presses that had printed

appropriate to take the remote past as model and that it was better to take recent times as orientation” 其意蓋謂遠法古無當不如近效今咸宜. HCJSWBB/ZHANG, 0:2b. Gu Tang 辜澧 (fl. 1873) writes in the preface to the 1873 reprint of the HCJSWB that “the material included in this compendium is recent and ample, benefits and deficiencies are as easy to distinguish as white and black, the prescribed methods are systematic, so that it avoids the reproach of wanting to treat contemporary maladies with ancient recipes” 是編也。取材近。選言富。利病若白黑分。調劑各有法。古方今病之謬庶乎免矣. He & Wei (1887), 0:2b. Zuo Zongtang, who started to study the HCJSWB as a young man, also commended the HCJSWB saying that it provided “both essence and application” 體用具備. Gong (2004), p. 168.

¹HCJSWBB/ZHANG

²Gong (2004), p. 58.

³HCJSWBB/ZHANG, 0:2b.

⁴HCJSWBB/ZHANG, 0:3b.

the 1873 reprint and the 1881 sequel printed further reprints of the HCJSWB in 1882, 1883 and 1884¹, and the printing and reprinting gained further speed after the Sino-French War of 1884/85.²

Rao Yucheng served in a minor official position in Changsha. He was an avid collector of books, and had, amongst others, compiled an anthology of Tang writings before initiating the 1873 pocket reprint of the HCJSWB.³ He apparently was well-connected with the upper echelons of the bureaucracy as the author of one of the prefaces to his sequel is Li Yuandu 李元度 (1821–1887), a close friend of Zeng Guofan. Rao Yucheng conceived his sequel much like Zhang Pengfei's sequel as a supplement or update. The sequel supplements writings on all Qing reigns which the original, for some reason or another, had not included, but which Rao regarded as relevant. Furthermore, it provides updated contents in sections which Rao Yucheng found particularly important in relation to China's economic and military self-strengthening, namely naval defense and trade policy. While Rao did in fact include a considerable number of new writings on naval defense, a topic which the HCJSWB had covered extensively in three chapters, there are few writings that can be related to the topic of trade, and they are all found in the chapters on naval defense. That Rao Yucheng was aware of Zhang Pengfei's sequel is evident from the fact that both he and Li Yuandu mention the sequel, and Rao Yucheng states to have selected the best twenty-nine writings from Zhang Pengfei's sequel for inclusion in his own sequel. Structurally, Rao Yucheng's eight sections and 120 chapter headings were identical with the ones of the HCJSWB. As Rao Yucheng had already published a separate reprint of the HCJSWB, the sequel only contains 519 newly added writings, which lead to a number of placeholder chapters (youmu wuwen 有目無文). Gu Tang also says that Rao Yucheng was so convinced of the HCJSWB as to initiate a reprint in pocket format so that he could distribute it among his assistants.⁴ Before publishing the HCJSWXJ/RAO, Rao Yucheng published several examination aids with successful essays and official sample questions.⁵

Rao Yucheng's sequel itself does not seem to have circulated widely. However, it figured as the basis of two further sequels. One of them, the sequel by a certain Guankui Jushi 管窺居士, a "layman with a narrow field of vision" or "narrow-minded layman", probably was even less successful because it is hard to find in modern library catalogs. The sequel by the Guankui Jushi is basically a copy of Rao Yucheng's sequel extended with an additional 260 writings. The sequel also adopts Rao Yucheng's editorial principles, while adding two points. The preface by the editor states that the sequel continues Zhang Pengfei's and Rao Yucheng's line of sequels. The gist of the short preface is that statecraft writings can only confer knowledge of statecraft and a range of possible alternatives, but that the final step, the implementation

¹Renmin University a copy of the 1882 reprint, Beijing University Library, Henan University Library, Shandong University Library and Wuhan University Library hold a copy of the 1883 reprint, Jinan University a copy of the 1884 reprint. See rbsc.calis.edu.cn.

²Janku (2004), pp. 78–79.

³Zhou & Guo (2003) notes his highest position was that of a dianshi 典史, a district jailor in Ming and Qing times according to Hucker (1985), p. 506.

⁴He & Wei (1887), o:2.1a

⁵For example, the Lidai zhuangyuan shikao, sanyuan dingjia celun, kaoguan shiti 歷科狀元事考三元鼎甲策論考官試題錄 was printed by the Shuangfeng shuwu 雙峰書屋 in 1876. The front page says it was compiled by Rao Yucheng and carved in the government office in Xingsha 鏤於星沙官廨

through which the knowledge becomes effective, depends on the mental and physical efforts of the individual administrator.

The other sequel based upon Rao Yucheng's sequel, published by Ge Shijun (1845-1895) in Shanghai, became the most widely read among all sequels, second in terms of its number of reprints only to the HCJSWB itself. Ge Shijun's family had managed a fleet of river boats for several generations, but the family business had declined during the time of Ge Shijun's grandfather, probably due to the shifting of transport business from the inland to the sea. Ge Shijun's father had worked as a tutor and was of such a high integrity as to refuse the repeated attempts of relatives to buy him an official position. Stemming from a family of Shanghainese entrepreneurs himself, Ge Shijun's father repeatedly expressed his contempt for merchant extravagance and arrogance and his appreciation of frugal peasant life in poems.¹

The last sequel that can still be counted among the compendia of the self-strengthening period is the HCJSWXB/SHENG. Although it went into print in 1897, compilation started much earlier. Ge Shijun already mentions that the compendium was in the process of being compiled in the preface to his 1888 sequel.² Sheng Kang (1814-1902) had started his career as a private secretary in the retinue of Hu Linyi 胡林翼 (1812-1861), and had afterwards been promoted to salt commissioner and later provincial administration commissioner (provincial treasurer). Sheng Kang took an interest in contemporary affairs early on his life, and was reputedly scandalized by the lifestyle of metropolitan literati and their indifference towards statecraft (jingshi 經世).³ However, while being actively involved in the administration his whole life, Sheng Kang published little or nothing on the matter, and he was probably only marginally involved in the actual compilation of the HCJSWXB/SHENG, only figuring as nominal compiler of the work. The project was initiated and supported by his son Sheng Xuanhuai (1844-1916). Unlike his father, who had passed the jinshi exam at the age of twenty, the young Sheng Xuanhuai was not successful in the civil service examinations. He did, however, start to build a superb career after joining the staff of statesman-general Li Hongzhang as private secretary, holding successfully and sometimes concurrently over a dozen key positions, first in the regular bureaucracy and then in newly founded institutions and businesses.⁴ As Sheng Xuanhuai was kept busy building China's modern transportation, communication and financial infrastructure, the actual compilation work was conducted by his private secretary Wang Xun (1846-1915) and Miao Quansun (1844-1919), who are listed as proof-readers (jiaokan 校勘) in the imprint of the HCJSWXB/SHENG. Ge Shijun remarks in the editorial notes of his sequel that the Shengs were working on a sequel but had not published it yet.⁵ Chen Zhongyi states in the

¹For a biographical vignette, see Lin (1994), pp. 33-37.

²Miao Quansun joined the editorial team in 1886. Gong (2004), p. 108. But Lin (1994), pp. 40-41, thinks that the project was initiated a lot earlier than that, in 1867.

³Lin (1994), p. 38.

⁴Sheng Xuanhuai's positions included director-generalships of the China Merchants' Steam Navigation Company 輪船招商局, the Imperial Telegraph Administration 電報局, the Huasheng Spinning and Weaving Company 華盛棉紡織廠, Hanyang ironworks 漢冶萍鄉煤鐵廠礦, the Imperial Bank of China 中國通商銀行, and in the imperial railway administration.

⁵HCJSWXB/GE, 0:3.1a

editorial notes for his sequel that the Shengs had interrupted their compilation work when Ge Shijun published his sequel.¹

Liang Qichao spoke of his plans to compile a large-scale essay collection featuring “Imperial statecraft compendium” in its title in order to “take advantage of the great title and catch people’s attention” 取舊名取動人 already in 1895.² He was positive that with a statecraft compendium he would reach more readers, and groups of readers that he usually did not reach with his publications. The future editor-in-chief of several newspapers further assessed in 1895 that it “even surpassed the newspaper in its power to change people’s mindsets and behaviour” 其於轉移風氣，視新聞紙之力量似尚過。Liang saw the statecraft compendia as a “powerful tool to convert China’s old conservative minds” 於變易中國守舊之重心，頗有力量。³ Too busy with his other projects involving journalistic and editorial work for reformist newspapers and reformist study societies, Liang Qichao handed the project of compiling a statecraft compendium over to Mai Zhonghua, the younger brother of his fellow student Mai Menghua, and limited himself to composing a preface for the HCJSWXINB/MAI printed in 1898. It is hard to obtain information about the editors of the other sequels of the Hundred Days Reform period and the New Policies period that goes beyond their association with the respective compilations.

STRUCTURE OF THE SEQUELS

The sequels of the self-strengthening period all keep the two-tier structure introduced by the HCJSWB more or less intact. Zhang Pengfei’s and Rao Yucheng’s sequels adopt the original two-tier section-chapter structure completely, resulting in a number of empty volumes kept for formal reasons (youmu wuwen 有目無文). Ge Shijun’s sequel introduces a separate ninth section with material on foreign countries under the title yangwu 洋務 which all later compendia that adopt the original two-tier structure keep, except for the HCJSWXB/SHENG, for which plans to publish a separate ninth section were never realized.⁴ The seven chapters of the yangwu section contain the writings of important advocates of self-strengthening measures in the high officialdom such as Zeng Guofan, Zuo Zongtang, Li Hongzhang and Zhang Zhidong, intellectual leaders of self-strengthening such as Feng Guifen, foreign envoys such as Guo Songtao, Xue Fucheng, Yao Wendong and Li Fengbao, as well as fifteen writings indicating the US-American missionary W. A. P. Martin as translator.⁵ The section also contains a few prize essays from the Shanghai Polytechnic Institute 格致書院.⁶ Ge Shijun’s sequel also introduces a few further modifications to the chapter structure. The most significant change is the addition of three

¹HCJSWXB/GE, 0:2.1a

²Ding (1983), p. 48.

³Ding (1983), pp. 48–49.

⁴The HCJSWSANB/CHEN has a yangwu section, the Huangchao jingshiwen sibian 皇朝經世文四編 (Fourth imperial collection of statecraft essays, hereafter HCJSWSIB/HE) has a “Foreign affairs” (waibu 外部) section, and the Huangchao jingji wenbian has a section “Western government” (xizheng 西政). The HCJSWXB/SHENG forms an exception. Sheng Kang mentions plans to publish a separate “Outer” section (waibian 外編) with comprehensive information pertaining to foreign affairs, but it was never realized. HCJSWXB/SHENG, 0:2.1b.

⁵All writings originate from the Xingyao zhizhang 星輶指掌 (Guide diplomatique) translated and published by Martin.

⁶Feng (2002), p. 565.

chapters on mathematics and astronomy to the scholarship section. The editorial notes motivate the addition with the high relevance of mathematical methods for engineering and land surveying (zhiqu cedi 制器測地). Ge writes in the notes that the HCJSWB had motivated the omission of mathematics from the otherwise broad range of topics covered with the reason that it was not immediately relevant for solving contemporary problems, and too complex to do justice to it in a few chapters of a general compendium.¹ Ge insists that mathematics are not just the foundation for astronomy and music, both important pillars of the government of the ancient sages, but also of engineering and land surveying that important for contemporary government.²) The three chapters contain the writings of Chinese mathematicians and astronomers from the Daoguang, Xianfeng, Tongzhi and early Guangxu reign, as well as two translations of a mathematics and and astronomy primer.³ The only other change is the addition of a separate chapter on the “border regions” (jiangyu 疆域) in the household sections for writings concerning the far North-Western and Northern provinces as well as Taiwan.⁴ The HCJSWXB/SHENG inserts a chapter on the “Teachings of the sages” (shengxue 聖學) into the scholarship section before the original first chapter “On learning”, and performs a few further modifications to the chapter structure to address important contemporary issues in their own dedicated chapters. The household section is extended by chapters on two important components of economic and fiscal policy of the self-strengthening period, the commercial tax (lijuan 釐捐) and mining (kaikuang 開礦), as well as a chapter on the border regions (jianzhi 建置). In the rites section, a chapter on the civil service examinations (gongju 貢舉) is separated out from the chapter on schools (xuexiao 學校).⁵

Four sequels of the Hundred-Days-Reform period and the New-Policy-Period stick to the original two-tier section-chapter structure, the HCJSWSANB/CHEN (1897), the Huangchao jingji wenbian (1901), the Huangchao jingshiwen tongbian (1901) in 120 volumes and the HCJSWSIB/HE (1902). These compendia do, however, perform significant rearrangements in terms of the chapter structure, dispensing with a number of original chapters in exchange for new chapters. Other sequels adopt the single-tier structure which Mai Zhonghua introduces in the HCJSWXINB/MAI (1898, modified reprint 1902), namely the Huangchao jingjiwen xinbian, the Huangchao jingshiwen xinbian xuji and the Huangchao xu'ai wenbian. Other sequels follow their own individual chapter structure. For example, the Huangchao jingshiwen xinzeng shiwu xubian contains forty volumes entitled shiwu 時務 and numbered from one to forty, and eight volumes entitled yangwu 洋務, equally numbered from one to eight. The HCJSWTB/SHAO (1901) in 107 volumes chooses a two-tier section-chapter structure that only bears remote resemblance with the original two-tier structure of the HCJSWB. There is a clear shift in focus to “Western

¹The editorial notes of the HCJSWB do not speak of mathematics (suanxue 算學) but of astronomy, calendar making (xingli 星歷) and ancient musical systems (lülü 律呂).

²HCJSWXB/GE, 0:2.1a

³Feng (2002), p. 566.

⁴For a detailed comparison of the HCJSWB and the HCJSWXB/GE including changes to the number of volumes dedicated to each chapter, see Gong (2004) pp. 29–32.

⁵For a detailed comparison of the HCJSWB and the HCJSWXB/SHENG including changes to the number of volumes dedicated to each chapter, see Gong (2004) pp. 32–37.

learning”, that is, accounts of the political institutions, history, industry and commerce, science and technology of the Western nations. For example, the HCJSWSIB/HE adds chapters about international law, treaties, parliaments and diplomacy in the rites section, that accommodated the extended portfolio of the Board of Rites traditionally in charge of foreign affairs. Independent of the selection of the individual chapter format, the sequels continuously introduce new topics, especially in fields of economics, finance and military, and then increasingly in the fields of science, technology and politics.

SOURCES OF THE SEQUELS

Collections of the writings of individual authors (zhuanji 專集), as well as anthologies compiled from the writings of several authors (heji, including other imperial statecraft compendia and local gazetteers (fangzhi 方志), remained an important source for the sequels.

Some cases of overlap between the compendia are insignificant or indicated as such. For example, the HCJSWXJ/RAO includes 29 selected writings from the HCJSWBB/ZHANG, which is indicated in the preface and the list of authors. But there are also several cases of considerable overlap between the compendia. For example, 249 of the writings of the 1357 HCJSWXB/GE are adopted from the HCJSWXJ/RAO.¹ Around 500 writings of the HCJSWXB/GKJS are adopted from the HCJSWXJ/RAO, which is practically the whole compendium, as the HCJSWXJ/RAO only contains 519 writings in total and some of them are simply merged together in the HCJSWXB/GKJS. Random inspections also reveal that the HCJSWSIB/HE contains a significant number of writings from the HCJSWXB/SHENG, especially in the case of chapters which discuss topics that were no longer up-to-date at the beginning of the twentieth century. There is also a considerable overlap of 61 writings between the HCJSWSANB/CHEN and the HCJSWXINB/MAI, notably writings by Liang Qichao, Kang Youwei, Wang Kangnian, Xue Fucheng and Han Wenju. However, this could still be due to the fact that both compendia were compiled and published nearly at the same time. The greatest amount of overlap is found in the HCJSWTONGB/SHAO, which is a digest of the compendia of all previous periods.

Gong (2004), p.74, points to several cases of writings by Guo Songtao and Zheng Guanying in the HCJSWXB/RAO and the HCJSWSANB/CHEN in which the editors probably relied handwritten copies in circulation (chuanchao 傳抄) as source. The periodical press of Hongkong and Shanghai became an increasingly important source of writings for the compendia.² The HCJSWXB/GE was the first sequel to include a moderate number of newspaper writings (Ge Shijun also announced the compilation with an advertisement in the Shenbao 申報).³ After 1895 the number of newspapers and journals in print rose and they became a major source of articles for the compendia. For example, more than

¹It would be an interesting question to explore whether there is any principle as to which writings the HCJSWXB/GE adopts from the HCJSWXJ/RAO. For example, the HCJSWXB/GE does not include the considerable number of writings that advocate the reconciliation of Han and Song learning included in the HCJSWXJ/RAO, with the only exception of a postface by Shao Yichen. However, a complete analysis would require a separate in depth case study and is outside the scope of this dissertation.

²See Janku (2004) for an analysis of the convergence of the two genres of statecraft essay writing and journalistic writing.

³SB, 1888/06/1, no. 5429 and 1888/06/05, no. 5433.

50% of the writings in the HCJSWXINB/MAI had appeared in newspaper and journals before.¹ Chen Zhongying included a considerable number of prize essays of the Shanghai Polytechnic Institute 上海格致書院.²

The time between the publication of Zhang Pengfei’s enlarged addition of the HCJSWB in 1851 and the sequels of the 1880s saw the pacification of the Taiping uprising by the scholar-generals Zeng Guofan, Zuo Zongtang and Li Hongzhang and the initiation of efforts to modernize China’s industry and defenses by the same cast of men. The writings of personal circles around these scholar-generals dominate the sequels of the 1880s, including the sequel by Sheng Kang, which was published in 1897 but had been started much earlier than it went into print.³ Notable is also, for example the inclusion of Feng Guifen’s writings in the HCJSWXB/GE and HCJSWXB/SHENG.

The sequels published during the Hundred Days Reform period were compiled under the impression of China’s defeat in the First Sino-Japanese War (1894–95) and all include the writings of Kang Youwei and his disciples, most notably Liang Qichao. Both the HCJSWSANB/CHEN and the HCJSWXINB/MAI include a great number of writings authored by Timothy Richard. Other notable observations are the great number of 64 writings by Zheng Guanying included in the HCJSWSANB/CHEN and the fact that Gong Zizhen is represented with 21 writings in the HCJSWXINB/MAI.⁴ During the New Policies period, the writings of both appear anonymized in the HCJSWTB/SHAO, while the reprint of the Hongkong Shiwu jingshi fenlei wenbian with the title HCJSWBWJ/QSZ keeps the real names of the authors. This is in line with a general tendency to omit the names of the authors and the source of the writings, information which the earlier compendia had provided in lengthy lists of authors.⁵ For example the HCJSWXBXJ/GAN and the HCJSWSIB/HE, both published in 1902, only indicate the authors of a about 15–20% of the writings.

¹For a list of writings included in the HCJSWSANB/ CHEN and the HCJSWXINB/ MAI that can be traced back to the periodical press, see Gong (2004), pp. 75–78.

²See Zhou & Guo (2003), p. 251, for a list of the prize essays included in the HCJSWSANB/CHEN.

³Lin (1994), pp. 59–66, shows how most of the authors whose writings were included in the sequels by Ge Shijun (and therefore also the one by Rao Yucheng) and Sheng Kang were associated with at least one of Zeng Guofan’s personal networks. Janku (2003), p. 78, states that Ge Shijun’s sequel reflects the policy of the modernizers around Zeng Guofan and Li Hongzhang. See Shen (1967) for an account of Zeng Guofan’s thought and activities. Mitchell (1970), p. 55, calls Zeng Guofan the successor to the statecraft scholars of the generation of Wei Yuan, Tao Zhu and He Changling. See Shen (1967) on Zeng Guofan’s statecraft ideas. Zeng Guofan collected materials on salt revenue, sea transport regulations, the monetary system and river conservation while studying in Beijing in the 1840s. “It is the hypothesis of this essay that while adhering to orthodox Sung Neo-Confucianism in his basic ideas on government, Tseng belonged to the School of Statecraft insofar as he was, even in the early eighteen fifties, seeking empirical solutions to the dynasty’s problems. Moreover, he did not shun what may be described as Legalist methods in administration, to achieve essentially Mencian aims. After he became a military leader against the Taipings in 1853, he was to go further in his empirical and utilitarian tendencies, without abandoning his basic concerns.”

⁴The absolute number of writings is not a perfect indicator of the importance of an author for an editorial team not least because it is influenced by more or less arbitrary decisions to merge or split individual pieces of writing.

⁵Miao Quansun had criticized Ge Shijun for the obliteration of such lists.

Conclusion

The statecraft compendia include a range of different official and literary writing genres, most importantly official memorials, private letters, treatises and essays, but also examination essays, statutes, and pre- and postfaces, amongst others. They thus represent both the internal communication of bureaucracy and court and private writings. They include both theoretical reasoning about issues of government and scholarship and practical and expedient arguments in connection with concrete administrative issues. The editorial principle of presenting a range of alternative approaches and conflicting suggestions also of lesser known figures implies that the texts included represent a broad range of authors and standpoints. The statecraft compendia may still represent the selective choices of their editors. But they allow for a more representative assessment of intellectual consensus than collections of the works of outstanding individual authors. They contain the views of different political camps. Editors were in general moderate reformers but faithful servants of the ruling dynasty. A picture of their views is representative of broader circles of the reform-minded officialdom. The statecraft compendia are thus a portion of Qing dynasty political texts that were broadly received from the 1840s until the end of the dynasty.

In his study of the reception of international law in China, Zhang Qing calls the statecraft compendia an “important channel of communication of Chinese and Western thought”.¹ According to Zhang Qing, the statecraft compendia had the most authoritative standing and were therefore probably the most influential of all compilations introducing new knowledge, and therefore provide for the most realistic impression of the intellectual world of the late Qing and degree of reception of certain notions.² Han Chenghua sees the statecraft compendia’s significance in their intellectual dynamism.³ Liu Guangjing and Chow Kai-wing claim that statecraft learning in general was the trailblazer of a broad range of academic and political reform movements after the Opium Wars.⁴ Feng Tianyu and Huang Changyi call the pursuit of “statecraft practical learning” (jingshi shixue 經世實學) a bridge to turn-of-the-century “new learning” (xinxue 新學).⁵

While we certainly need to understand the periodical press as an important medium propelling conceptual and terminological changes and proliferating new knowledge, its reach which did not extend over a marginal intellectual elite should not be overestimated. It is as important to look at media which the mass of ordinary literati consulted, for whom all kinds of reference books that could serve the preparation of the civil service examinations had an important status. The surge in new sequels and their focus in content suggests that the statecraft compendia played the role of such reference books. The statecraft compendia were among the compendia that extended the reach of the periodical press by reprinting articles from this ephemeral genre and introducing them to a broader readership.

¹Zhang (2013), p. 235.

²Zhang (2013), pp. 235–236.

³Han (2011), p. 223.

⁴Liu & Chow (1986)

⁵Feng (2002), p. iii

2

Building blocks of efficacy: REN 人 and FA 法

THE POLARITY OF REN AND FA represents the basic building blocks of Qing dynasty discourse on governance and administrative efficacy. In the Confucian state as depicted by Wei Yuan and Gong Zizhen, the emperor, being himself a “man (REN) standing on top of other men (REN)”, governs the country with the assistance of a hierarchy of bureaucrats.¹ To lend his government permanence, the ruler and his assistants create models and standards (FA), the institutions and regulations. The effectiveness of institutions and regulations and the men in service of government are interdependent. In an ideally functioning government, institutions and regulations are effective through the bureaucrats staffing them, implementing them, and complying to them, while institutions and regulations add a efficiency and routine to the bureaucrat’s actions. In reality, deviant bureaucrats may render institutions and regulations ineffective, while inapt institutions and regulations could render bureaucrats commitments futile. The polarity therefore comes with a considerable baggage of historical discussions on how to resolve such issues and on the relative importance of both poles for good government.

REN and FA form a classic polarity in Chinese political thought, a pair of complementary, interdependent or even inseparably related concepts that are in tension, but can (or even have to) be reconciled. In the political sphere, the polarity touches upon the question of how much good government depends on features attributed to the institutions of a state (FA), and how much on features attributed to the men who govern (REN) the state, i.e. rulers, their ministers and others. But even with this limitation of observations to the political-administrative context, authors still differ in what exactly they attribute to the REN-aspect, and what to the FA-aspect. Angus C. Graham writes that pre-Qin “Legalists” had “a common ground in the conviction that good government depends, not as Confucians and Mohists sup-

¹HCJSWB, 0:1b; HCJSWB, 1:33a–35a.

posed on the moral worth of persons, but on the functioning of sound institutions”.¹ This contrasting of “moral worth of persons” and the “soundness of institutions” is just one example of how authors use REN and FA as abstract categories to refer to different aspects of an administrative problem. Graham places a generic Confucian and Mohist views on one end of the spectrum opened up by the polarity, and Legalist views a.k.a. the views of “teachers of realistic statecraft” (fajia 法家) on the other. And then there are positions in between, as “Kuan-tzu gives both morality and law places in the organisation of a state, in proportions not very different from the Confucian Hsün-tzu”.²

There are features that some author might attribute to REN, and another one to FA. For example, Shen Dao 慎到 (395–315 BC), variously associated with either Legalist or Huang-Lao thought, used the term to refer to an “impersonal administrative technique of determining rewards and punishments in accordance with a subjects true merit”, as opposed to criteria such as kinship, social status or the seniority principle, or simply the ruler’s personal preferences.³ There is ample mention of the meritocracy principle in the statecraft compendia, but mostly not in connection with FA, and instead associated with REN. There are actually more cases where FA refers to the seniority principle than cases where it refers to the meritocracy principle. Another example is the aspect of monitoring and sanctioning officials and enforcing the law. In the majority of texts in the pre-1898 statecraft compendia, this aspect is subsumed under REN, not FA. In these texts, FA stands for the specific administrative programs or frameworks that the texts discuss, such as policies for the administration of public granaries, the salt monopoly, or currency policies.

REN REFERS TO THE “MEN IN CHARGE” of making and changing the FA (li fa 立法 and bian fa 變法) or adhering to and executing the FA (shou fa 守法 and xingfa 行法). Depending on the context and scope of the respective FA discussed, REN therefore indicates certain groups of the staff of the imperial administration, local elites, or the general populace. The subchapter headings of the lizheng 吏政 (“management of government personnel” or “civil governance”) sections of the pre-1898 statecraft compendia list the most important groups of people involved in the imperial administration: high officials in central and provincial agencies (dali 大吏), prefects and district magistrates on the sub-provincial level (shouling 守令), private secretaries (muyou 幕友) and runners and clerks (xuli 胥吏, hereafter often referred to as “sub-official functionaries”).

The aspects which authors refer to when they emphasize the importance of “men” or the human factor in governance REN includes not only the personal capabilities of a person, including the capacity of internal control of a person.⁴ It also includes measures which foster this capacity of internal control (education), and measures of external control of a person’s actions (monitoring and sanctioning). The

¹Graham (1989), p. 268

²Graham (1989), p. 268.

³Goldin (2011), p. 91.

⁴This also applied to the emphasis on REN in the context of expressions such as zhiren 治人 (“men who order the state”) or renren ren REN (“putting men in charge” or “relying upon men”).

concern to select morally upright and capable (xian 賢) personnel does not preclude measures to monitor and check the actions of this personnel once they are in office. The measures captured under the aspect of REN thus include selection, monitoring and sanctions. Measures such as these were meant to increase the accountability of REN for their responsibilities are mostly attributed to the REN aspect, not the FA aspect, even if they rely on externally imposed rules backed by sanctions. A further important aspect covered by REN is flexibility in the execution of central directives. Authors use REN to advocate an evaluation of officials according to (realistic) end targets instead of their adherence to procedure.¹

THE BASIC MEANINGS OF THE TERM FA are “method”, and “standard” or “model”. In this general sense, FA refers to “ways of doing things” that can serve as precedents or models of action in approaching administrative problems. In the administrative context, FA has a range of derived meanings apart from these basic meanings, among them “government program” and “law” or “regulations”. Here, “government program” refers to policies such as monetary policy (qianFA 錢法) or the “Green Sprout Policy” 青苗法 of establishing government credit bureaus. “Law” and “regulations” refers to commands issued in the form of rules by authorized administrative organs that are backed by sanctions. Authors often use FA to refer to sets of rules that regulate the performance of primary administrative tasks such as tax collection, flood control and famine prevention. These rules were in general codified administrative regulations that officials were expected to “guard” (shou FA 守法) in carrying out their administrative duties, facing sanctions if they failed to do so or violated the regulations (wei FA 飭法 or 違法). This is “law” if we understand “law” as “rules backed by sanctions”. These rules often allocate powers and duties, thereby circumscribing political actors’ legitimate scope of action, and are backed by sanctions which makes them laws.

By 1740 at latest, Qing law related to governmental functions fell into three categories: penal laws specifying criminal sanctions, laws on administrative punishment specifying noncriminal sanctions for officials’ administrative mistakes, and administrative regulations specifying administrative or procedural requirements (performance requirements).² Administrative regulations were produced in qualified offices on the different administrative levels by sorting out executive decisions into four formal categories of precedents and laws: cases used as precedents; cases used as administrative rules; the fully established

¹See chapter 2.3 for examples.

²Metzger (1973), p. 214. Keliher (2016) asserts that the Qing dynasty had an administrative law in the broad understanding of the word as “institutional organization of the state, and the rules and regulations for administrative procedure, including the duties and responsibilities of administrative personnel” (p. 55). Keliher argues that “the intent behind the regulations of the Huidian was to lay out enforceable procedural requirements that regulated administrative activity, as well as to set binding rules about the organizational structure of the state and the relations among actors and internal agencies” (p. 57). The narrow definition necessitates the protection of citizen’s private rights from abuses of state power. Note that regulations used as the basis for adjudicating cases of land, debt, marriage and inheritance were dispersed in sub-statutes of the administrative regulations (huidian shili) and the penal code (lüli). See Bernhardt & Huang (1994), Huang (1996), Huang (2009), who challenge the view that imperial China relegated civil cases to the status of trivial matters that should be mediated, not tried at court. Bourgon (2002), on the other hand, argues that law and custom did not represent a civil law in any proper sense.

precedents and regulations of capital offices; the empire's supposedly most important and unchanging laws, in general either inherited from the previous dynasty or consisting of the decrees of the dynastic founder. Central executive decisions took the form of independently issued commands (zhishu 制書) and "appellate cases" (ling 令), proposals submitted by nobles or qualified officials and approved by the emperor.¹ The term FA was used as a general term to refer to imperial laws and executive commands, other general terms including chengFA 成法 ("established laws"), gongling zhi shu 功令之書 ("books of law"), lüling 律令 ("laws"), and jinling 禁令 ("prohibitions and laws").²

The cases used as precedents and cases used as rules could be published in a variety of formats. The fully established precedents and regulations of capital offices, the empire's supposedly most important and unchanging laws were published in the huidian 會典 ("collected statutes") and their appendixes, the huidian zeli 會典則例 or huidian shili 會典實例 ("collected precedents" or "regulations"). The huidian described the institutional apparatus and general operating rules (not, however, general principles of law), while the appendixes described the specific operating rules. The huidian zeli or huidian shili were constantly revised by the competent government bodies, while the huidian only went through five editions during the Qing dynasty.³ This division into "core law" and "living law" in the form of "precedents" or "substatutes" can also be seen in another fundamental book of law, the penal code (lüli 律例). The penal code consisted of the "statutes" (lü 律) promulgated by the first Qing emperor closely copying the Ming code, and later subsequent additions in the form of "substatutes" (li 例).⁴ Note that the penal code was reproduced in most editions of huidian since the late Ming dynasty, and in the huidian shili from the latter half of the Qing dynasty, under the section of the Board of Justice (xingbu 刑部).⁵ These bodies of law were all backed by sanctions.⁶

¹ Metzger (1973), p. 176. See Metzger (1973), pp. 167–235, for more details on the formal structure of the law-making process.

² Note that it is not really possible to draw a strict line between executive commands applying to a single occasion and laws formulated as general rules, as there was no separation of executive and legislative powers and as commands could serve as precedents and acquire the status of law. Metzger (1973) notes that this corresponds, however, to the "modern notion" of law "as commands which are issued and enforced by some group such as a state and which apply to a general class of occasions", following e.g. Max Rheinstein.

³ Will (2012), p. 128.

⁴ Will (2012), p. 230.

⁵ Metzger (1973), pp. 211–212.

⁶ Most administrative zeli, in contrast to disciplinary zeli (chufen zeli 處分則例) and penal law, did not specify sanctions themselves. They were nevertheless backed by sanctions for violating specific or any command or law. The lüli and chufen zeli were formulated negatively, pointing out punishments for transgressions (but in practice, they could be taken as positive formulations of how officials should proceed in order not to get into trouble). The articles of the huidian, on the other hand, did not, in general, specify sanctions by themselves, but were backed by sanctions, either by other articles specifying punishment for violation of an administrative regulation, or by general fall-back articles in the lüli and chufen zeli that defined punishment for "doing what ought not to be done". Metzger (1973), p. 169. FA is one of the general terms for the above mentioned precedents and regulations that cuts across substantive and formal categories.

2.1 Pre-Qing political career

One early influential Chinese thinker to comment on the relationship between the categories of REN and FA with respect to good government was Xunzi (Xun Kuang 荀況 or Xun Qing 荀卿, fl. approx. 325–238).¹

“It is rulers who bring chaos upon a state, a state does not throw itself into chaos. It is REN who can bring order to a state, FA cannot order a state by themselves. The FA of the mythical Yi are not forgotten, but his descendants do not rule anymore. The FA of the Great Yu are still known, but the Xia dynasty does not reign anymore. FA cannot promulgate themselves, precedents cannot apply themselves. If men are there to implement them, they will persist, if not, they vanish. FA are the basis of government. The ruler is the source of FA. If a state has a good ruler, then even if the FA are sparse, they will cover all situations. If the state does not have a good ruler, then even if the FA are all-encompassing, the proper order of precedence is not observed, and it becomes impossible to adapt to new situations, and there is bound to be chaos.”

有亂君。無亂國。有治人。無治法。羿之法非亡也。而羿不世中。禹之法猶存。而夏不世王。故法不能獨立。類不能自行。得其人則存。失其人則亡。法者。治之端也。君子者。法之原也。故有君子。則法雖省。足以遍矣。無君子。則法雖具。失先后之施。不能應事之變。足以亂矣。²

In Xunzi's eyes, both REN and FA are indispensable for good government. REN are the ruler and his agents, while with FA, Xunzi refers to a state's institutions and their codified form, regulations or statutes. He speaks of records of the FA of mythical rulers and the fact that the FA do not promulgate themselves, just like precedents (lei 類) do not apply themselves. He sees evidence for this claim in the fact that there are numerous cases of great ancient rulers whose institutions are still known, but whose descendants are no longer in power. Knowledge about FA does not guarantee good and stable government. The quality of government also depends on the person of the ruler and his agents (REN). REN do not only create and reform FA, they also implement and enforce FA. Legal rules (FA) cannot cover every possibly conceivable situation. REN have to do the work of matching the general FA to concrete cases, of making good decisions in cases not covered by the FA, and of adapting the FA to changing circumstances.

Xunzi's statements are in line with Mengzi's take on the dialectical relationship between the attitudes of the ruler and the availability of FA (standardized practices and techniques of government). With FA, Mengzi refers to both the techniques invented by the cultural heroes and the institutions created by the sage kings of antiquity. Mengzi says that a ruler “cannot govern with good intentions alone, but neither

¹Pang (1997), p. 28. In the following, the mentioning of Xunzi, Mengzi, Shenzi and Guanxi stands synonymous for the book Xunzi, the book Mengzi, the book Shenzi and the book Guanxi compiled by their adherents and attributable to them with more (for example in the case of Xunzi) or less (for example in the case of Guanxi) certainty.

²Xun (1978), p. 40.

can FA implement themselves” 徒善不足以為政。徒法不能以自行。¹ In order for their intentions to be effective in the world, rulers need to rely on FA to systematically and consistently realize their plans. They either devise the FA themselves and leave them as a legacy to their posterity, or emulate the FA of their predecessors. Mengzi enumerates a number of great civilizational achievements that their authors realized and perpetuated not through ad hoc actions but by devising and popularizing appropriate models (FA). Lilou, the man with the best eyes in the ancient world, and Master Gongshu, the world's most skilled craftsmen, could not draw circles and right angles without the help of compass and set square. The famous musician Shi Kuang could not have fixed the pentatonic scale without the basis of the ancient six tone scale (liu lü 六律). The Great Yu could not have pacified the realm without institutionalizing his policies of humane government (renzheng 仁政). Mengzi's point is that individuals can only put their capabilities to good use in the world and achieve their goals if they rely on techniques and standards.

According to Xunzi and Mengzi, FA is indispensable for good government. Still, they emphasize the primacy of REN in the relationship between REN and FA, and be it just because REN are in the pivotal position to enforce, maintain and interpret the FA. A number of other thinkers later associated with the schools of “Legalism” or Huang-Lao/Daoism grants greater relative importance to FA, among them Guanzi (Guan Zhong 管仲, fl. 8th–7th c. BC), Shen Buhai 申不害 (fl. 4th c. BC) and Shen Dao 慎到 (fl. 4th–3rd c. BC). Previous scholarship has argued that this group of thinkers used FA in the sense of “law”, but also in the sense of “method”, where method is understood as basing administrative decisions upon standardized and fixed criteria.²

According to Guanzi and Shen Buhai, if the ruler makes his actions conform to FA, this mutes the “human factor” in government (arbitrariness and partiality induced by his personal interests) through unified standards (in the form of written rules), which in the end is conducive to a more stable grip on power. The ruler should not arbitrarily change and override the FA, as this diminishes his power in the long term. Guanzi draws an analogy between FA and the carpenter's tool of compass and set square, a common metaphor for norms and established practices, to illustrate that the ruler cannot govern without FA.³ Even if a carpenter has the keenest eyes and steadiest hands, he had better use a compass to draw circles and a set square to draw right angles. Just as a skilled man can create a compass and set square but cannot draw a correct circle and right angle without the aid of these tools, a sage can devise FA but cannot govern a state without the aid of FA.⁴ Guanzi analytically differentiates between FA, ling 令 (“com-

¹Zhu Xi's commentary on this passage in the *Sishu zhangju jizhu* puts the dialectic character of Mengzi's statement into relief, not pointing to the relationship between REN and FA, however, but between xin 心 (mind or attitudes of the ruler) and the zheng 政 (techniques of government). Zhu (1983), 4:1b. I am aware that Mengzi does not mention the term REN, so I am in the same dilemma with Mengzi as Busse (1994) with Grabbe and the Battle of the Teutoburg Forest in his conceptual history of nationalism in the German language.

²Creel (1970), p. 94; Goldin (2011), p. 7–8.

³Xunzi employs the metaphor to emphasize the indispensability of “rites” (li 禮) as a tool of the enlightened ruler. Xun (1978), p. 299.

⁴Guan & Zhu (1619), p. 185.

mands”) and shangfa 賞罰 (“rewards and punishments”), when he states the conditions for the effectiveness of the ruler’s commands. The ruler’s actions have to conform with his own commands. The commands in turn have to conform to the FA, which here seems to mean the extant body of law (probably including previous commands). There have to be agencies that monitor the execution of the FA and impose adequate and universal sanctions in the event of non-execution. This is also valid for fostering the compliance with FA and li 禮 (“rites and etiquette”) in general: It is helpful if the ruler makes no exception in the application of FA, neither for himself nor for anybody else. Shen Buhai focuses on FA as a method for bestowing rewards on the grounds of a person’s achievements, and office on the grounds of a candidate’s ability. He refers to the latter under the term xingming 刑名, “comparing an official’s ‘performance’ (xing) with the duties implied by his ‘title’ (ming), and then rewarding or punishing him accordingly”.¹ For further remarks on Shen Buhai’s theory of xingming, see chapter 3.1.1.

Shen Dao uses FA to refer to both laws in general and to standards of reward and punishment in particular. In the latter sense, FA is an “impersonal administrative technique of determining rewards and punishments in accordance with a subject’s true merit”.² Shen Dao compares it to the drawing of lots to divide up land, horses or other material goods among a group of people. One main point of Shen Dao is that even if a technique (FA) can never be completely fair in the sense of perfectly reflecting what someone truly merits because they always contain an element of randomness (just as in the case of drawing lots), they are at least impersonal standards that unify people’s expectations. The technique is effective because the ruler grants rewards and punishments based on an impersonal standard, not his own personal preferences. The recipients know beforehand what to expect, and will therefore not resent the decision and will not argue for more generous rewards or more lenient treatment because they know that the standards are fixed. FA introduces a fixed “common” or “impartial” (gong 公) standard and eliminates interference of the “personal” or “partial” (si 私).

“With divination using yarrow stalks or tortoise shells, people establish common (gong) insights. With scales, people establish common standards. With contracts, people establish common trust. With measures of length, people establish common criteria. With a system of laws (fa) and a ritual canon, people establish a common understanding of what is right. With every common (gong) norm, people give up a partial (si) viewpoint.”

故蓍龜。所以立公識也。權衡。所以立公正也。書契。所以立公信也。度量。所以立公審也。法制禮籍。所以立公義也。凡立公。所以棄私也。³

Fifteen centuries later, Zhu Xi 朱熹 (1130–1200) writes influential lines about REN and FA in the context of the Southern Song dynastic red tape. Zhu Xi criticizes that the eagerness of law makers to promulgate regulations leads to paradox or irrational legislation. The bureaucratic overhead involved in

¹Goldin (2011), p. 92.

²Goldin (2011), p. 92.

³Shen (2001), p. 34.

the performance of most of their tasks makes many officials rather sit on their hands than take up administrative work. He advocates to reform and simplify the extant FA because “government cannot do without regulations” 為政必有規矩 but “if the FA is deficient, then even good magistrates can do nothing about it” 法弊，雖有良有司，亦無如之何。¹ Zhu Xi emphasizes that before a reform of FA can be effective, however, the right REN have to be educated and recruited for official positions. The reason is that FA cannot enforce itself, “FA needs REN to get implemented” 固是法也待人而行。² Moreover, there is no FA that can be conceived without defects and loopholes for abuse that malevolent people can exploit. The REN in charge of implementation therefore have to be responsible persons: “In general, any FA that is promulgated has necessarily potential defects. There is no FA without defects, the important thing is to put the right REN in charge.” 大抵立法必有弊，未有無弊之法，其要只在得人。³

Among the thinkers formative for conceptions of REN and FA in the 19th century are Wang Fuzhi 王夫之 (1692–1692) and Huang Zongxi 黃宗羲 (1610–1695). Both Wang and Huang agree with Zhu Xi’s point that a country cannot be well governed and REN cannot put their capabilities to good use if the FA is ill-conceived. Huang modifies Xunzi’s dictum in order to accentuate this point. “Regarding the theory that ‘it is REN who order the state not FA’ I would think that after there are FA suitable for ordering the state, there will be REN who order the state” 即論者謂有治人無治法，吾以為有治法而後有治人。⁴ Huang calls ill-conceived and unsuitable FA “unlawful law” 非法之法. He points to the law of successive imperial dynasties as an example of such “unlawful FA” 非法之法. His main point of critique is that as “the FA of one family” 一家之法, it only takes into account the interests of the ruling dynasty, not of the people at large.⁵ Wang Fuzhi touches upon REN and FA several times in his commentary on the *Zizhi tongjian* 資治通鑑. When lauding the institutional setup created by the first Sui emperor, he confirms Xunzi, but at the same time insists that insuitable FA render good governance impossible. “FA do not necessarily lead to order. REN (implement the FA to) bring about order. But if the FA are not good, then even if the right REN are in charge, it will be impossible for them to guard the FA and properly administer them. And it will be even more futile if the wrong REN are in charge.” 法者非必治，治者其人也。然法之不善，雖得其人而無適守，抑未由以得理，況未得其人邪。⁶

While none of the cited thinkers proposes to govern without either REN or FA, some put more emphasis on REN and some put more emphasis on FA. Those who put more emphasis on REN argue that the agency of REN is crucial for the efficacy of FA, both in the positive and in the negative sense. REN in charge can sabotage the implementation of FA by simply neglecting it. REN in charge have to implement the FA and apply and adapt it to new situations. Those who put more emphasis on FA argue that everything being equal (particularly the quality of REN), there are FA which are more conducive to good

¹Zhu (n.d.), p. 1560; Zhu & Li (1713), p. 2794.

²Zhu & Li (1473), p. 2172.

³Zhu & Li (1473), p. 2162.

⁴Huang (n.d.), p. 7.

⁵Huang (n.d.), p. 6.

⁶Wang (n.d.), p. 481.

government and those that are less conducive to good government.

REN and FA each can refer to several things. REN can refer to the virtues and capabilities of men in charge (in power) or the lack thereof. It can also refer to measures of organizational control, i.e. of “managing men” (yong REN 用人), including the administration of sanctions to enforce compliance with FA.¹ Meanwhile, FA can refer to whole institutions or government programs, or to the operational rules (regulations or statutes) that define them.

Many texts in the statecraft compendia discuss real administrative issues, and authors employ the REN-FA polarity to negotiate these specific cases. They do not necessarily intend to make a point beyond these cases and subscribe to either extreme of the spectrum spanned by complete arbitrary power to virtuous REN and complete restriction of individuals by centrally determined FA (which is one possible interpretation of REN and FA). While this dissertation sets out to find out about shared concerns that manifest themselves through the use of a common language, it is necessary to exercise caution in deducing a political standpoint from the rhetorical use of language. The author of this dissertation is aware that it is important to differentiate between assertions intended to state universal principles and comments on particular historic situations. A survey of isolated quotes is not the ideal format to do so, which is why this dissertation tries to contextualize statements when possible. The aim of this dissertation is not the answer the “elusive question” of the relative importance that thinkers attributed to aspects of government. It is rather to show the flexibility of the polarity by examining which aspects of government were associated with REN and FA, how authors used the REN-FA polarity to structure their arguments, and how this involved the reinterpretation of historical statements involving REN and FA.

¹This applies to instances where the concept REN is used and forms a polarity with FA. These can also be instances where REN is used in a compound such as “men (REN) who order” 治人.

2.2 Functions of REN and FA in Qing statecraft discourse

REN-FA IS ONE OF THE FOUR polarities that Wei Yuan presents in the opening of his preface to the HCJSWB. Wei Yuan discusses the interdependent nature of the four pairs of concepts in question to justify the study of practical and technical aspects of governance. To him, learning can never solely be a pursuit of abstract principles, the Way, independently of its concrete realizations, the Vessel. The Way does not exist independently of the Vessel, and the human mind cannot grasp the Way independently of the Vessel. The quintessence of the preface is that commitment to self-cultivation is not enough, and that men must also study past and present examples of practical statecraft.¹ Wei Yuan states that although FA are conceived of and implemented by REN, they fulfill such an indispensable function that it is legitimate to discuss them in their own right. To illustrate the indispensability of well-designed FA in governance, Wei Yuan recurs to an analogy similar to the ones in the Mencius and the Guanzi that links the tools and standards of the craftsman with the regulations and institutions of the ruler and his ministers.

“FA necessarily depend on human agency (REN). A cart with five-inch hubs can transport its load a thousand miles, but without a driver, it will not move single a meter. However, even the famous craftsmen Lu Ban and Wang Er would not have been able to build properly functioning carriages behind closed doors by relying only on their sharp eye, steady hand and artisan imagination. If we want to speak about human agency (REN) we also have to talk about FA.”

法必本夫人。轉五寸之轂。引重致千里。莫御之。跬步不前。然恃目巧。師意匠。般爾不能閉造而出合。善言人者必有資於法矣。

Just like craftsmen need to work with standardized tools and blueprints, rulers and their ministers need to work with regulations and institutions.

The REN-FA polarity appears a second time in the editorial principles to the HCJSWB. Here, Wei Yuan quotes Xunzi's statement that “it is REN who order a state, not FA” 有治人無治法 in passing. He explains that as it is men, not administrative methods which govern the state, some problems which technically speaking are the responsibility of the Board of Revenue, for example the administration of public granaries and the baojia-system, actually “arise from matters that are the responsibility of the Board of Personnel” 挈其原於吏. A closer look into the chapters on public granaries and the baojia-system provides clues as to what Wei Yuan means by “matters that are the responsibility of the Board of Personnel”. The most common abuse reported in the texts is that superiors neglect their duty of properly monitoring their subordinates, whose corruption and disregard of the administrative regulations subsequently leads to the malfunctioning of the institutions. The responsibility of the Board of Person-

¹See chapter 1.2.3 for a complete analysis of the passage.

nel was “civil governance” or “management of governmental personnel” (lizheng 吏政), which included personnel management and maintenance of discipline in the bureaucratic apparatus.

Previous scholarship on the Qing bureaucracy has called these tasks “tasks of internal organization”. The efficacy with which the bureaucracy carried out its primary tasks (including all economic, cultural and coercive activities that represented the output of the bureaucracy, for example taxation and maintenance of law and order) depended critically on how well tasks of internal organization were performed.¹

What Wei Yuan discusses under the aspect of FA are procedural rules regulating the performance of primary tasks. The efficacy with which primary tasks are performed depends on the ability and willingness of the government personnel (REN) to implement and comply with the regulations (FA). What Wei Yuan discusses under the aspect of REN is everything related to ensuring the proper implementation and compliance with established FA. This correlates with internal tasks.

We can learn more about Wei Yuan’s interpretation of Xunzi’s statement from his comments on several essays in the HCJSWB. In one case, Wei Yuan criticizes the way an author adapts Xunzi’s statement on REN and FA to assess different models (FA) for the administration of public granaries. The competing models in question are Wang Anshi’s Green Sprout Policy and Zhu Xi’s Community Granaries. The author argues that both are equally valid blueprints for the administration of granaries. The difference in the degree of success reported for both models results only from the fact that “it is REN who order the state not FA”. Both schemes succeed if the right REN are put in charge of administration, and fail if the wrong REN get in charge. Wei Yuan objects to this view. Wei argues that Xunzi’s point is that no FA is absolutely fail-safe and virtually “implements itself”. But administrators still have to opt for the FA that is most resilient against abuse and reduces the potential for negative side effects: “accepting that there is no FA that administers itself, we have to find a FA that can last long” 至于無治法之中而必求可久之法. So even if the right REN can be recruited for the job, the choice of FA still has to be carefully made, and Zhu Xi’s FA is actually the better FA. Wei Yuan points out that this is exemplified by the fact that the author’s own outline of regulations for the administration of granaries silently adapts over several points from Zhu Xi’s guidelines, deviating from Wang Anshi’s guidelines.²

In another case, Wei Yuan quotes Xunzi’s statement in a comment that suggests a way of synthesizing two contradictory statements on the role of officials in dyke construction and maintenance. The HCJSWB includes a number of writings that argue that officials should oversee dyke construction and maintenance in order to provide guidance and ensure the successful conclusion of the project. After these writings, the HCJSWB includes one writing which argues the converse. The author advocates to

¹Metzger (1973), pp. 5–6, divides the tasks of the Qing bureaucracy into tasks of top leadership, primary tasks and tasks of internal organization. Tasks of top leadership, the “ultimate determination of policy and goals”, were performed by the emperor and “a mixture of palace, noble and bureaucratic personnel” at the capital and high regional officials. Primary tasks involved palace service and foreign affairs as well as the economic, cultural and coercive activities that represented the output of the bureaucracy, for example taxation and maintenance of law and order. Tasks of internal organization, finally, were personnel management, internal management of finances and maintenance of discipline.

²For further remarks on Wang Anshi’s and Zhu Xi’s granary models and for a discussion of the remainder of the essay, see chapter 2.5.

discontinue the deployment of officials because they are notoriously corrupt and render construction and maintenance inefficient. At the end of this last essay, Wei Yuan remarks:

“The preceding writings all contend that officials are indispensable for the administration of dyke work. This writing now insists on the harm incurred by official involvement in dyke work. It is very true that ‘REN order the state not FA’. Therefore, those who honestly care for the people regard monitoring of civil servants as their first duty.”

前篇方言督圩不可無官。此篇復力言官督修圩之害。信禾有治人無治法也。故愛民者以察吏為第一義。¹

What Wei Yuan derives from the Xunzi dictum and especially the concept of “men who order the state” in this context is the importance of top-down bureaucratic supervision, enforcement of FA by REN through the monitoring and sanctioning of other REN. Officials order the state by supervising their subordinates in fulfilling their tasks and by being themselves supervised by their superiors in the fulfillment of their own tasks. If superiors want to make sure that their subordinates work for the benefit of the people they cannot take their subordinates’ good will for granted. To express real care for the people means to properly monitor whether the subordinates’ actions conform to the FA and work for the benefit of the local people. The bureaucratic personnel works to implement government programs, but only if it can be ensured that they do what they are supposed to do and do not abuse their power. This functional constellation of superiors giving directives to their subordinates and monitoring whether their subordinate carry them out properly is replicated on the different levels of the hierarchy.²

Wei Yuan’s own administrative-political writings add the choice of appropriate FA and elaborating the details of its implementation to the tasks of REN. The HCJSWB includes four of Wei’s writings on the reform of the transport of tribute written between 1825–1826, in which he expounds the benefits of sea transport and responds to counterarguments.³ Wei Yuan argues that the right FA makes a big difference, but that the agency of choosing and implementing the FA lies with men (REN) in decision-making positions. He presents sea transport as a FA that is superior to conventional inland shipment under the present circumstances. Due to insufficient maintenance, the inland water ways are not navigable, while the sea route is both safe and fast due to flourishing coastal and sea trade. By enlisting merchants for the shipments, the government does not have to take care of building boats and recruiting personnel. Shipping fees are considerably reduced, as the number of parties involved along the route is significantly lower for sea transport. Citing one of the chief proponents of sea transport, the Minister of Finance Ying He 英和 (1771–1840), Wei Yuan concedes that while sea transport is superior to inland transport under the given circumstances, its success depends on the commitment of the men in charge (REN). These aspects are the resettling of the militia who used to accompany and secure the inland transport,

¹This is Wei Yuan’s comment on an essay by Jiang Shiquan on the administration of dyke construction and maintenance. See HCJSWB, 38:36b.

²See chapter 1.2 for further comments on Wei Yuan’s ideas of the political cosmos.

³HCJSWB, 48:60a–62b; HCJSWB, 48:70a–75b; HCJSWB, 48:76a–81b; HCJSWB, 48:82a–b

the monitoring of sub-official functionaries guarding the tax granaries, and river works to maintain the river navigable. At the end, however, the cost-benefit calculation is clearly in favor of sea transport as compared to inland transport. The most fundamental function of heroic administrators is to engage in these kinds of cost-benefit calculations: “to sensibly enact the necessary changes in accord with the times when the abuse of regulations (FA) becomes increasingly frequent is the task of the men in charge (REN)” 法久弊生；因時制變，則神而宜之，存乎其人。

Wei Yuan’s comments on governance collected in the *Treatise on Scholarship and Government* (Mogu 默觚), published some twenty-five years after the HCJSWB, contain further remarks on REN and FA that complement the earlier ones.¹ The HCJSWB/SHENG contains an abridged version of this series of essays.² In the treatise, Wei Yuan states that the capacity of FA to influence REN’s behavior is not unlimited. The first and fundamental condition for FA to be effective is that REN have to be actually capable of complying to the rules: “if it forces REN to act in ways they cannot act, the FA will not be effective; if it prohibits things that REN are bound to commit, the FA will not be carried out” 強人之所不能，法必不立；禁人之所必犯，法必不行。³ Even a FA with realistic chances of success should not be pushed through too quickly and with overly harsh sanctions, or else resistance is bound to form. Wei Yuan also warns the ruler of changing personnel too quickly, and of being too uncritical of his own point of view. These are shortcomings that Wei Yuan associates with the Huang-Lao thought and the thought of Shen Buhai and Han Fei. Wei Yuan nevertheless recommends administrators to endorse Huang-Lao thought, “adapting its strengths but not its weaknesses” 兼黃老申韓之所長而去其所短。⁴

Wei Yuan recurs to analogies to illustrate the interdependent nature of REN and FA. While he had compared the ruler’s use of FA to govern the state with the carpenter’s use of tools and established practices to build handicraft products in the HCJSWB, Wei Yuan moves to the comparison of the ruler with a doctor using methods of treatment to cure a patient, and the bowman’s use of the bow for hitting targets in the Mogu.

“A doctor saves men’s lives with the help of methods of treatment. He can kill them with the same methods. A ruler brings order to the realm with the help of FA. He can harm to the realm with the help of the same FA. It is not difficult to obtain knowledge about methods of treatment. But a doctor who can make proper use of the methods of treatment is difficult to obtain. It is not difficult to promulgate FA. But REN who make proper use of FA are hard to obtain.”

醫之活人。方也。殺人。亦方也。人君治天下。法也。害天下。亦法也。不難於得方。而難得用方之醫。不難於立法。而難得行法之人。

¹Kuhn (1995), p. 303, translates the title as “Treatise on Scholarship and Politics”. The literal title could be something like “Moshen’s writing tablet”, Moshen 默深 being Wei Yuan’s courtesy name.

²HCJSWB/SHENG, 5:1a–2b; HCJSWB/SHENG, 5:3a–7b; HCJSWB/SHENG, 8:1–25b

³HCJSWB/SHENG, 8:6a.

⁴HCJSWB/SHENG, 8:6a.

“A bow is a tool for hitting a target. But it does not hit the target by itself (lit.: it is not the reason why the target gets hit). Laws and commands are instruments of government. But they do not govern by themselves (lit.: they are not the reason why the state is well governed).”

弓矢。中之具也。而非所以中也。法令。治之具也。而非所以治也。¹

With these two examples, Wei Yuan underlines the agency of REN in the implementation of FA. Wei Yuan presents a number of historical examples as evidence of his claim that it is REN who decide about the efficacy of FA. At the same time, and most clearly in the case of the bowman, it is equally clear that the agent cannot attain his goals without the help of the means, the bowman without the bow or, respectively, the administrator without the FA.

Wei Yuan expresses a moderate stance on reform. He claims that his own reform proposals are simply small corrections that ensure that existing regulations (FA) can operate properly. Rulers should not lightly initiate discussions on fundamental changes of the FA. Instead, they should remove “defects outside the FA” 法外之弊 in order to render the FA effective again. By “defects outside the FA”, Wei Yuan means defects that arise and abuses that are committed in the implementation of the FA, but that are not inherent in the FA itself and thus cannot be prevented by changing the FA. Rulers should not give precedence to the promulgation of new FA. Rather, they should promote the recruitment of REN who make proper use of the FA. This will automatically lead to the “establishment of proper FA” 自能立法.² More explicitly than twenty-five years earlier in the preface to the HCJSWB, Wei Yuan declares that he does not pursue a radical vision of changes to the fundamental institutions of the state, but incremental reform of the existing framework. The question where to draw the line between incremental and radical change remains of course a question of perspective. But Wei Yuan certainly viewed the reform efforts he himself was involved in, for example, in the areas of the grain transport, salt monopoly and hydraulic engineering, as examples of incremental change. Pieces that Wei Yuan cites as negative examples of radical change include two of Gu Yanwu’s essays proposing a “refeudalization” of the imperial bureaucracy.³ In his own contributions to the HCJSWB, Wei Yuan emphasizes that the best FA is the FA where success depends least on the integrity and capability of the REN involved in the implementation. For example, it is better if the FA does not give officials the opportunity to embezzle money, than to hope that exhorting functionaries not to embezzle public funds will do the job. Still, FA depends on REN for promulgation and enforcement. The state needs personnel that takes up responsibility, selects the appropriate FA and sees to its enforcement. Here, it is sometimes necessary to differentiate (not excluding overlap though) between the REN who make the FA and enforce them, and the REN who take part in implementing and complying to the FA.

¹HCJSWXB/SHENG, 8:7b.

²HCJSWXB/SHENG, 8:7b–8a.

³HCJSWXB/SHENG, 8:7b.

That the REN-FA polarity and Xunzi's dictum still received attention more than seventy years after the first edition of the HCJSWB can also be seen from the preface to the 1901 HCJJWB. The HCJJWB presents "the fundamental institutions of past dynasties and current forms of government" 列朝之憲典近時之規模 to the concerned elite of the turn of the century for consultation. The editor of the HCJJWB explains his motivation to compile the compendium with the need of REN for updated information about FA. "FA with which the state can be governed well still need REN who can (implement them to) govern the state well; REN who can govern the state well still need FA with which they can govern the state well" 有治法不可無治人。有治人尤不可無治法。¹

THE AUTHORS OF THE WRITINGS collected in the statecraft compendia employ FA in the context of the REN-FA polarity to refer to the procedural rules regulating primary administrative tasks such as the land-tax, salt monopoly, tribute grain transport, currency policy or famine relief. An interesting phenomenon is that many texts written to promote a certain kind of FA, such as Wei Yuan's essays on the sea transport of tribute grain, contain statements that emphasize the importance of REN, and make negative statements about FA, for example, that FA do not bring order by themselves, that too many FA result in chaos, that there is no perfect fail-safe FA. These negative statements, however, rather than denying the need for FA, emphasize that FA can only be effective if certain conditions are met. These conditions are related to concerns of organizational control and based on a conception of REN as "mediocre talent" (zhongcai 中材).

Objections that regulations (FA) that are too "strict" or "complicated" (mi 密 or fan 繁) foster dysfunctional forces and diminish organizational control capacities and thereby efficiency, do not have to be fed by a rejection of regulations in general. The opposite of complicated laws is not no laws at all, but simpler (jian 簡) laws², that are neither excessive in number nor too minute in detail, and that fix deadlines and goals which an average official can realistically meet. An example of this viewpoint is "if the FA are strict, then officials will not dare to engage in corrupt practices; if the FA are simple, then they simply have no way to engage in corrupt practices" 法嚴而官不敢貪，亦法簡而官不能貪。³ We are again presented with a question of the right balance here. What many authors criticize is promulgation of restrictions without regard for the bigger picture. The critique is that lawmakers establish very specific regulations to prevent very specific deviances, although these illicit practices are already outlawed by existing law, and the problem is not a lack of legislation (Regulierungsdefizit) but a lack of enforcement (Vollzugsdefizit). The new regulations have the only add to the complexity and unwieldiness of the whole system, and have negative side-effects for the people who actually abide by the law.

Chen Hongmou's commentary on the prohibition on the sale of excess rice by boats transporting

¹HCJJWB/QZQZZR, 0:5a.

²Liu (1959), p. 176.

³HCJSWB, 46:12a–14b. Officials are corrupt because the FA are inappropriate and has "loopholes" (likong 利孔). Simple FA are unambiguous and have no loopholes.

tribute grain is representative of this kind of view.¹ Originally, shippers of the tribute grain from the lower Yangtze to the capital area had been allowed to sell excess rice to the people along the shipping routes to supplement their income. A prohibition introduced in Chen Hongmou's time prevented this kind of sale on the grounds of suppressing pirate sale of tribute grain (daomai caomi 盜賣漕米). Chen Hongmou criticizes that the prohibition criminalizes a mostly harmless practice and does more harm than good. He argues that the majority of sales of excess rice are non-pirate sales that benefit the shippers by supplementing their modest income and the people en route by diversifying their sources of supply. Actual pirate sales are easy to detect and have been efficiently handled according to existing legislation in the past. The prohibition only benefits the functionaries posted along the shipping routes who are provided with an excuse to confiscate all excess grain for their own use.² Chen Hongmou says that this is just one example of how "defects are generated by attempts to prevent defects" 防弊生弊 and that half of the problems related to the administration of tribute grain are this kind of self-generated problems caused by "overregulation" (li zhi tai duo 例之太多). Bi 弊 can be translated as "defects" or "abuse" depending on whether the author refers to problems caused by defects inherent in the legislation or problems resulting from the conscious abuse or circumvention of the legislation.³ Chen identifies a harmful mindset at the root of overly complex and unsystematic legislation: "As soon as an abusive practice comes to the attention (of the law makers), they pass a new regulation to prohibit it. But then the new FA produces other defects (opportunities for abuses). It prevents the abuse committed by one or two men, but harms many others." 偶有未善，即設一例；究竟法立弊生，所除者一二人之弊，而所苦者多矣。

Another example of rhetoric relativizing the omnipotence of FA, but nevertheless supporting an agenda involving particular FA, are Wang Liu's 王鑒 (1786–1843) essays advocating the introduction of paper money. Wang's theoretical discussion of FA, REN, and the changing of FA provides the context for bringing up the large scale introduction of paper money as a positive example of reform. The lesson to be learned from unsuccessful government programs is not that reform is a bad idea, Wang Liu says. Reform is a normal stage in the life cycle of government policies and a guarantor of long-term stability. Any FA established has unforeseen side-effects in the form of defects/abuses. In order to get rid of these defects/abuses, it becomes necessary to change the FA. Whether the reforms are effective depends on the

¹HCJSWB, 46:43a–b

²This is at least my interpretation of Chen's criticism that with the prohibition in place, "will future excess rice just be disposed of? Certainly not, it will instead just contribute to the enrichment of military functionaries along the shipping route" 究竟旗丁所帶餘米，豈甘置之無用；不過徒為一路弁兵所利耳。

³Metzger (1972) explains bi in the context of fiscal regulations as complicated fiscal arrangements and dishonest practices "lumped together". See also Lu Shanji 鹿善繼 (1575–1636), who differentiates between "defects inside the FA" (FA-nei zhi bi 法內之弊 and "defects outside the FA" (FA-wai zhi bi 法外之弊. Defects inside the FA "are not the fault of the responsible official" 非有司之過 because they are inherent in the regulations. Defects outside the FA are legal loopholes, they "are the fault of the man in charge (REN), but that through which he commits the abuse are the regulations (FA)" 其弊在人而其所以弊在法. Lu (2002), 11:2. But see also Peng Yu 彭鈞 (?) who regards as defects outside the regulations (FA) as a deviation from the regulations that can be prevented through strict law enforcement instead. HCJSWB, 50:76a–77b.

capabilities of the REN enacting the reforms to enforce and implement the reform in accordance with the times and circumstances.

While Wang Liu concedes that there are no fail-safe FA and that everything depends on REN, he still emphasizes the indispensability of FA for good governance. Wang employs the same allegory of a doctor applying prescriptions as Wei Yuan later in the *Mogu*, to argue that abuse of FA is an act of REN and should not be held against the FA.

“When the state establishes FA it is like when a medical doctor applies medicine. An ancient prescription can cure a disease if properly applied. If misused, it can kill people. If a mediocre doctor misapplies an ancient prescription, people will blame it on the fact that he has only crudely studied the subject. It would be foolish to discard the medical prescriptions of the Yellow emperor and Shennong instead.”

夫國家之立法。猶醫者之用藥也。古人方劑。善用之可以祛病。而誤用之則足以殺人。今有一庸醫誤用古方。世人不咎其學術之不精。而遂欲舉黃帝之素問神農之本草而棄之。亦且惑矣。¹

Wang Liu likens governance to a game of chess. Winners and losers start with exactly the same chess pieces. Success or failure depends on how they employ their fictive armies. The chess analogy is commonly used to emphasize that the distribution of talented men is roughly equal in the realm of any ruler and success depends on the strategical use of the right people in the right places.² Wang Liu, however, integrates FA into the winning strategy, saying that good governance critically depends on the availability of FA.

“It has become a conventional wisdom nowadays to say that ‘it is REN who order the state, not FA’. But even if REN capable of good governance have been recruited, there is still need for FA that lead to good governance. Establishing good FA means to correct the defects of deficient FA. The winner of a game of chess plays with the same gaming pieces as the loser.”

世每言有治人。無治法。然既有治人。必有治法。而立法之善。不過即弊法而更其弊。所謂勝者所用敗者之棋也。³

The REN-FA polarity in general, and the dictum that “it is men who order the state, not regulations” in particular, manifests a concern for effective organizational control. Organizational control is a need not only of private organizations such as companies, but also of public types of organizations such as a state: “As a social unit devoted primarily to the achievement of specific goals, any organization such as a state needs to control its members in such a way that they help to achieve its goals. To be effective, such control tends to require sanctions of a certain type.”⁴ Because rulers cannot rule alone, they must

¹HCJSWXB/SHENG, 20:62a–63b.

²Yin (2006), p. 93. Ouyang & Xu (n.d.), p. 194.

³HCJSWXB/SHENG, 60:21a–32b.

⁴Metzger (1973), p. 236.

delegate authority to state officials. These officials perform tasks on their behalf and receive decision-making power. In order to ensure that officials act in the interest of the ruler, it is necessary to exercise control and contain corruption as “even rulers with high autonomy (the ability to make decisions about state policies independently) may have little power (the ability to carry out the chosen policy) if they cannot control the actions of their agents” and the “ability of rulers to control state officials provides the key to understanding the conditions under which rulers will be able to translate their autonomy into power.” Furthermore, official’s “corruption can make even the most autonomous ruler powerless”.¹ The ability of rulers control, that is, to monitor and sanction the actions of state officials had an influence on the type and level of official corruption.

Effective organizational control involves monitoring of agents and in conjunction with the use of positive and negative sanctions. The Qing system of sanctions included various informal and formal rewards (e.g. administrative honors and promotions), as well as the main system of negative sanctions, the regulations on administrative punishment (*chufen zeli* 處分則例).²

It is noteworthy that authors often do not only attribute aspects of internal control to REN, but also aspects of external control. In the context of statements involving REN and FA, authors tend to subsume the concern of monitoring and sanctions under the aspect of REN, not FA. REN can be intrinsically motivated to comply to FA (internal control) and extrinsically motivated (external control), through institutional checks and surveillance. REN can be changed by strengthening measures of external control, that is, monitoring and reporting, either top-down or mutual. REN can also be changed by strengthening their internal control by means of top-down “education and transformation” (*jiaohua* 教化).

Statecraft advocates like Wei Yuan see a close connection between the establishments of measures of organizational control and virtues such as a caring attitude for the people. A defining characteristic of a good administrator, a *zhiren* 治人, a man who orders or governs the state well, is that he commits himself to the interests of the people, that he “cherishes the people” (*ai min* 愛民).³ In the context of dyke maintenance, Hu Zaike 胡在恪 (*jinshi* 1655) holds that “the essence of the wisdom that ‘it is REN who order the state not FA’ is that REN (administrators) should show love for the people in their hearts, and be a model for the people in their actions” 則所謂有治人無治法者。存乎其人之愛民以心。先民以身。⁴ Similarly commenting on dyke construction, Wei Yuan sees nothing wrong with a recourse to measures of external control to help subordinate officials foster their “love” for the people: “It is without doubt ‘REN who order the state not FA’, which is why those who love the people should

¹Kiser & Tong (1992), p. 301.

²This is the translation of *chufen zeli* given in Metzger (1973), who notes that these regulations formed the “main system of negative sanctions used by the Ch’ing bureaucracy to control the performance of civil officials” and “dealt with punishment of officeholders for light offenses involving governmental affairs by means of impeachment and of economic status deprivations. [...] it formed the major part of the total system of sanctions, which also included various informal elements and formal rewards, such as administrative honors and promotions”. Metzger (1973), pp. 235ff.

³As this emotional commitment is likened to the parental love for a child (*ai min ru zi* 愛民如子), “love” may indeed be the adequate translation for *ai* here.

⁴HCJSWB, 117:15a.

regard surveillance of their subordinates as their first duty” 信禾有治人無治法也。故愛民者以察吏為第一義。¹

In his discussion of the Qing bureaucracy, Metzger (1973) points out that “frank acceptance of the fact that men may be crass and self-centered and that it is only prudent in designing public institutions to insist upon checks and balances and to provide objective rather than subjective restraints on the uses of power” was the rule, rather than the exception in Chinese politics.² Qing officials regarded sanctions as an integral part of the government’s internal organization because they believed that most men were of “mediocre quality” in terms of their moral, intellectual and professional capabilities.

The idea that most people are mediocre goes back at least to Xunzi and Han Fei. Han Fei believed that only few men were good, and that the majority of men was mediocre. It was exactly this majority of mediocre officials that could potentially be corrupted by power. The state had no choice but to staff official ranks with mediocre men, but they had to be controlled by means of rewards and punishments.³ For Han Fei, this did not only apply to officialdom, but also to rulers, whom Han Fei also judged to be mainly of medium quality. While waiting for a ruler of the worthiness of a Yao and Shun, the mediocre ruler should use his power (shi 勢) and uphold the FA to bring about social peace. He can prepare the grounds for the future order of a Yao and Shun this way and prevent chaos wrought if a tyrannical ruler of the wickedness of a Jie and Zhou (the last kings of the Xia and Shang dynasty) takes power instead.⁴

A crucial characteristic that distinguishes the “men of average talent” from the charismatic ideal of the “virtuous man” or “true gentleman” is that his moral capacities depend more strongly on outer circumstances than on his inner spiritual strength.⁵ These outer circumstances could be material conditions, legal or administrative restrictions, but also intellectual currents. The theory of the mediocrity of the majority served as rationale for imposing legal checks and for disciplining officials with rewards and punishments in Qing literature, and generally for all measures that promoted moral standards and integrity among the officialdom, also including the provision of material incentives and the prevention of impoverishment of officials as basic anti-corruption measures. Overall, the widespread perception was that what was true for all people was also true for officials. Rules could only stand if it was possible for the majority of officials to comply with them and therefore “the drafting of FA should take the official of

¹HCJSWB, 38:36a–b

²Metzger (1973), p. 236, refuting Lucian W. Pye’s contrary representation as based on “basic misunderstandings”. However, Metzger also attests other scholars neglect of chufen law, which he sees reflected e.g. in the oversimplification in Ch’ü (1962) and Twitchett (1964) that Qing government did not make a distinction between punishment for an administrative fault and for a criminal offense. According to Metzger, this lack of information about chufen law has led to basic misunderstandings about the nature of the imperial bureaucracy.

³Metzger (1973), pp. 261.

⁴Yang (2013b), p. 59–61. FA is an impersonal administrative technique for select officials and evaluating their achievements that avoids that the ruler employs in order to avoid to take his personal subjective judgment as a basis.

⁵Metzger (1973), pp. 261–62. Metzger also mentions Wang Anshi and Gu Yanwu with their ideas about the dependence of the majority of mediocre officials on external incentives such as material conditions and legal restrictions. Metzger regards the question of whether “the elite had an inner spiritual core of morality or were contemptibly controlled through outer circumstances” a “central doubt in the Confucian value system”.

mediocre talent as its point of departure” 立法本為中材。¹

Jiang Qiling's 蔣琦齡 (1818–1874) perspective on the role of REN and FA is quite representative of the pre-1898 statecraft compendia's tenor.² Jiang states that in order to achieve good governance one must neither neglect to make sure of the virtue and capability of the men in charge (REN), nor neglect to make sure that the institutions (FA) are sound.

“Which standards and directives do not depend on men (REN) to comply with and implement them. One must not neglect the importance of good men (REN) because the regulations (FA) seem sound enough. Neither must one neglect the importance of good regulations (FA) because the men in charge (REN) seem virtuous enough. Only extraordinary individuals can devise good regulations (FA), but even average persons can adhere to good regulations.”

朝廷科條政教。孰不待人而行。不可以法之善而廢人。亦豈可以人之難而廢法。況創法之始。非賢俊不為功。法定之餘。雖中材亦可守。³

The common denominator with regard to the use of the REN-FA polarity in the statecraft compendia is an awareness of the interdependent nature of REN and FA. Furthermore, the majority of texts manifest a concern for efficient organizational control through REN who ensure the proper use of FA by means of external and internal control and through “simple” FA that facilitate compliance and enforcement as much as possible. The role of REN is to make FA, to execute and comply with FA, and to ensure that other comply with them as well, in order to make them effective (FA are effective through REN). FA are adapted or created by REN in consulting historical evidence from the rulers of pre-Qin times (xianwang 先王) or the rulers of the imperial period (houwang 後王) and adapting it to the circumstances. Some FA are better than others in preventing REN from acting SI instead of GONG, doing things only in MING instead of SHI, or at least more robust against REN acting in such ways. The basic description of the task of the administrator is to “prevent abuse and benefit the people” (chubi limin 除弊利民) and to implement policies by adapting them to the local circumstances (yindi zhiyi 因地制宜). As will be shown in the following section, recruitment and task structure, as well as control through monitoring and positive and negative sanctions were all regarded as important preconditions to ensure that administrators live up to these expectations by the authors of the statecraft writings included in the pre-1898 compendia.

“Men (REN) must be selected well, the regulations (FA) must be strict [...]. Throughout history, it were men (REN) who ordered the state, not regulations (FA). There is nothing in the word that cannot be accomplished [...] by carefully selecting the men (REN) to be put

¹HCJSWXB/GE, 17:3a–b

²Pan Lei 潘耒 (1646–1708) may have written (much earlier than Jiang) that he thinks “that the making of regulations (FA) is not difficult, but their implementation is” 臣以為立法非難，用法為難, but this refers to the perspective of the high official or ruler globally overseeing the implementation of regulations. HCJSWB, 13:49a–54b.

³HCJSWXB/SHENG, 13:19a–45b.

in charge, assigning them clear duties, and evaluating their performance (of these duties). ”
必擇人。必嚴法。[...] 夫古今有治人。無治法。慎選其人而責之事。以考其成。
[...] 天下何事不可為。¹

¹HCJSWB, 30:48a–49a.

2.3 Civil governance (lizheng 吏政)

This subchapter discusses the use of the REN-FA-polarity in the writings included in the sections on the “administration of the personnel” (lizheng 吏政) in the compendia, dedicated to the tasks of the Board of Personnel (libu 吏部). The tasks of the Board of Personnel included the appointment, evaluation, promotion, demotion, transfer and dismissal of officials. These tasks were also commonly associated with the concept of “making use of personnel” (yong REN 用人).¹ Officials involved in the appointment of other officials had to select the right people for the job, the point being to properly match “personnel with offices in order to maximize performance and minimize the waste of talent and other resources”.² The “talents” (RENcai 人材) had to be trained, provided with incentives, monitored and have their performance appraised, and finally be re-allocated to new postings based on performance. Personnel politics had to be coordinated with the government functions of administration of disciplinary sanctions and of criminal justice. For example, personnel shifts often were simultaneously negative or positive sanctions.³ The focus of the writings discussed in this subchapter focus on the sub-prefectural context of the zhou and xian magistrate’s administration. FA refers to administrative regulations and institutions in the writings discussed, but mostly more specifically to the regulations of law of administrative punishments.

That the lizheng and the resulting “bureaucratic discipline” or “bureaucratic governance” (lizhi 吏治) were the foundation of good – and effective – government was a prominent idea in imperial China. Statements confirming this view can be found all over the Qing statecraft compendia and other political writings.⁴ These tasks were not solely the responsibilities of the Board of Personnel. Any superior was responsible to morally guide, monitor and recommend his subordinates for promotion or demotion.⁵ The censorate was globally responsible for the disciplinary surveillance of the bureaucracy and the impeachment of wayward officials.⁶ But all the aspects at the same time were core competencies of the Board of Personnel.⁷

¹Smith (2015), p. 99

²Metzger (1973), p. 243.

³Metzger (1973), p. 239.

⁴See, for example, HCJSWB, 15:19a–20b, where Ortai 鄂爾泰 (1677–1745) writes that “the government of the empire relies on making use of personnel (yong REN) as its root, the remaining tasks are the branches and leafs” 治天下惟以用人為本其餘皆枝葉事耳. Wei Yuan emphasizes that the efficient administration of public granaries and the baojia-system may be responsibility of the Board of Revenue, but in fact also depends on how well the Board of Personnel fulfills its responsibility of making sure that officials are selected and monitored properly, as “it is men (REN) who order the state, not regulations (FA)”. See also HCJSWB/GE, 14:5a–7b, where, responding to an edict requesting the upper echelons of the bureaucracy to outline current problems in “making use of personnel and the exercise of administration” 用人行政, Zeng Guofan underlines that “what must receive full attention today is making use of personnel (yong REN)” 今日所當講求者惟在用人一端耳. According to Zeng Guofan, the “making use of personnel” includes providing moral guidance, properly educating, selecting, appointing, promoting and demoting and effectively monitoring the bureaucratic personnel.

⁵In the provinces, regular administrative superiors were expected to carry out the surveillance of their subordinates, while circuit censors only “backstopped surveillance”. See Metzger (1973), pp. 270–271, for details and further evidence.

⁶Hucker (1985), p. 592.

⁷Hucker (1985), p. 306.

Apart from the selection of the right men for the job, the concept of yong REN also includes tasks of organizational control. Organizational control refers to measures ensuring that the members of the bureaucracy worked towards the realization of the bureaucracy's goals. The tasks subsumed under yong REN include measures of external and internal control. The surveillance of officials' performance and the sanctioning of officials according to this very performance are measures of external control. But measures to foster internal control (voluntary compliance) are also a part of yong REN. Internal control was regarded as being affected by officials' shared cognitive and affective orientations, the so-called "political culture" or "norms of the bureaucrats" 仕風. This is in line with the view that the socio-cultural context of shared values directly affects organizational efficiency (which in turn affects the power of the bureaucracy). This culture could be influenced by means of "teaching and transformation" (jiaohua 教化), implying that superiors inculcate proper values and a proper bureaucratic culture in their subordinates in a top-down fashion by means of explicit instruction (jiao) and more subtle transformation (hua) by setting a good example.

This accords with theories of organizational control. Effective organizational control, on the one hand, requires sanctions. Sanctions have to meet certain normative and administrative conditions to elicit effort from the organization's members and be effective. First, the members must regard the sanctions as legitimate. Second, the sanctions must be universalistically correlated with member's performance (success or failure in achieving the organization's goals) instead of being particularistically tied to a member's status. In this context, responsibility is "rationalized" by limiting the responsibility of an individual to events that are realistically within his practical control. Third, punishments for minor administrative mistakes must be mild enough that officials are still willing to engage in administrative tasks that involve the risk of committing these mistakes. Fourth, the "sanctions must be changeable and flexible so that they can be adjusted to elicit maximum response", it must be possible to subject them to critique. Fifth, the administration of sanctions must be organized as a centralized and differentiated administrative unit "in order to achieve uniformity of application".¹ Whether these conditions were fulfilled depended on the formally established policies and resulting formalized procedures ("the formal structure as it existed on paper was in fact a major positive determinant of actual behavior"²). It also depended on a number of situational, institutional, cultural, and technological factors conditioning these policies and procedures. The low level of technology of communication produced a lack of fast and reliable information and a tendency on the part of rulers to prefer harsher sanctions. The institutionalized right of the emperor to arbitrarily intervene in the adjudicative process could also reduce the universalist tendency (though extreme arbitrariness was rare in practice). Control over the bureaucrats by the rulers was limited by situational factors giving rise to "dilemmas of choice" that were a "major topic of indigenous discussion". One dilemma of choice existed between effective performance and control in the narrower sense, as "tight controls often reduced discretion, which was needed for effectiveness". An-

¹Metzger (1973), pp. 236–237.

²Metzger (1973), p. 81.

other dilemma involved the topic of solidarity. Control could conflict with feelings of solidarity, which could reduce solidarity's positive impact on effectiveness. On the other hand, policies that enhanced solidarity could also have a detrimental effect on effectiveness. The policy of promotion on the basis of seniority is an example.

There were cultural factors related to the bureaucrats' basic orientations, and the technological factor of a relatively low level of the technology of communication. Qing bureaucrats' basic orientations, for example the spectrum between particularism and universalism that Qing bureaucrats' orientations formed, influenced the efficacy of administrative systems such as the sanction system. A tendency towards "particularistic ties of solidarity leading to corrupt practices, which interfered with the realization of universalism" existed among Qing bureaucrats. On the other hand, bureaucrats also had a "strong universalistic orientation, and their self-image involved notions of responsibility and attitudes toward punishment which in their minds largely legitimated *ch'u-fen* law", that specified administrative sanctions.¹ On the whole, these orientations were the result of sociocultural factors outside the rulers' control. But at the same time, "rulers policy could also influence the inherent tendency in the bureaucrats' orientation to swing between its particularistic and universalistic poles".²

The first five writings discussed in this section, by Li Fu, Wang Zhiyin, Zhou Hao, Chu Fangqing and Pan Lei all touch upon the system of sanctions and the above mentioned criteria of effective sanctions. The five writings propose modifications to aspects of the bureaucracy's internal organization meant to enhance organizational control and efficacy, including recruitment, appointments, personnel and task structure, and monitoring and sanctioning. While Wang's and Zhou's writing rhetorically emphasize REN, Chu's and Pan's writings emphasize FA, and Li's writings represents a middle ground. What sets Chu's and Pan's memorial substantially apart from the other three is that they emphasize the need for universal sanctions that do not discriminate between offenses committed by high officials and offenses committed by low officials. Wang's and Zhou's memorials probably date from the Jiaqing reign (1796–1820), while Chu's examination essay and Pan's memorial were written earlier, during the Kangxi reign (1661–1722). Li's memorial dates from 1735, the last year of the Yongzheng reign (1723–1735). The memorial Li Fu is included in this section because it makes a point of explaining how to adapt all policies (FA) of personnel administration, including appointments, administrative regulations and disciplinary sanctions, to a realistic model of the average bureaucrat, the "mediocre man" (*zhongren* 中人). In Wang's and Zhou's writings, effective sanctions are an aspect attributed to the men in charge (REN). The writings by Chu and Pan emphasize the role of universal regulations or laws (FA) in their arguments about effective sanctions. The sixth and seventh writing, by Yang Yuguo and Wang Xiaocheng, probably written during the Jiaqing and Daoguang reign, employ REN and FA to discuss the "dilemma of choice" between central control through enforcement of unified regulations (FA) and the leeway granted to local magistrates (REN) in adapting the regulations to the local context. The two writings suggest that an im-

¹Metzger (1973), p. 240.

²Metzger (1973), p. 240.

balance between the two leads to the inefficacy of central policies. While Yang proposes a list of local institutions (FA) that should be abolished in order to free magistrates energies and provide subofficial functionaries less opportunity to commit abuses, Wang just ends with an appeal to ensure the quality of personnel (REN) recruited. The eighth writing by Guan Tong focuses on the role that prevalent bureaucratic norms (bureaucratic culture) play in furthering or diminishing the efficacy of organizational control and of regulations in general. Guan wrote the essay in the late Jiaqing or early Daoguang reign (1820–1850). He argues that the prevailing culture influences the “quality” of the bureaucratic personnel (REN), which in turn affects compliance to institutions and regulations (FA).

Li Fu’s 李紱 (1673–1750) approach to “making use of personnel” (yong REN), expounded in a memorial written in 1735, is explicitly focused on making proper use of the potential of the mediocre officials who represent the majority of the bureaucracy.¹ Li uses the words cai 材/才 (men’s qualities or talents) and REN interchangeably, sometimes speaking of “mediocre talents” (zhongcai 中材) and at other times of “mediocre men” (zhongREN 中人). While the recruitment of as many exceptionally virtuous and able (xian 賢) candidates for the civil service as possible should remain the high goal of personnel politics, the supply of the such candidates is limited, Li argues. With the right personnel policies (yong REN zhi FA 用人之法), however, it is possible to tap the potential of mediocre candidates for government and to extend the pool of talents eligible for government service. Li suggests changes to three personnel policies to accommodate mediocre officials: the promotion of mediocre officials in accordance with formal criteria, especially seniority (zige 資格) and performance, the relaxation of sanctions for minor offenses, and the prolongation of terms-of-office. Li points out that tapping the potential of mediocre candidates is in general intimately related with the efficacy of regulations (FA).

“The sages fostered the truly upright men to provide for the people. Truly upright men cannot be recruited in great numbers, but it is possible to put even mediocre men to good use. We should promote them according to their seniority, treat their minor mistakes with leniency, and appoint officials who monitor (the other officials in their) fulfillment of official duties.² Then the empire will have plenty of talent available for the civil service, all regulations (FA) will be complied with, and the people will all live in peace.”

聖人養賢以及萬民。賢不可多得。而中材皆可器使。今誠循資格以待中材。赦小過以求後效。專官司以盡職守。則天下多可用之才。天下皆可守之法。即天下無不安之民矣。

While Li uses FA once in the above quote to refer to the administrative regulations and laws in general, his use of the term FA in all other instances and in the remainder of the essay comes closest to the term

¹HCJSWB, 15:23a–27b.

²專官司以盡職守 could also mean “and clearly define each official’s responsibilities so as to enable officials to fulfill their duties”.

“policy” or “method”. Li describes the basic principles that appointments, monitoring and punishment of civil servants should follow, and does not refer to particular regulations in each case.

Li opts to abolish the regulation (li 例) that allows for the “hand-picking of candidates to be allocated to posts” 揀選分發 instead of assigning posts by lottery.¹ Li questions the objectivity of the selection criteria of the high officials qualified to suggest candidates. In the end, hand-picked candidates are not better than batch-assigned candidates, as the vast majority of officials are “men of mediocre quality” (zhongren 中人). Their integrity and their commitment depends on the integrity and commitment of their superiors. The hand-picking just introduces a considerable administrative overhead.

“Most men in the bureaucracy are of mediocre virtue and ability. They mostly replicate the moral conduct of their superior. Not one in a hundred stays honest if their superior is corrupt, or remains diligent if their superior is lazy. Similarly, not one in a hundred will become corrupt on his own if their superior is honest, or lazy if their superior is diligent.”

且人之材質。中人為多。大約聽上司為轉移而已。其上司貪而已獨廉。上司惰而已獨勤者。百不得一也。其上司廉而已獨貪。上司勤而已獨惰者。亦百不得一焉。

What Li demands is a focus on universalist instead of particularist standards in the recruitment of officials.

Li criticizes that governors-general and governors to impeach local officials who show perfectly able of “public-minded administration” 秉公 for minor administrative lapses after a short time in a new office. This goes against the principle of observing the difference between public (gong 公) and private (si 私) offenses. “Private” offenses involving corruption and breaking of laws should be punished regardless of the extent of the damage incurred. “Public” offenses often result from circumstances beyond the control or knowledge of the official and should therefore not be punished with permanent dismissal regardless of the extent of the damage incurred. Instead they should be recorded to be taken into account later for the regular performance evaluation. Li cites a number of references supporting this demand, among them a statement by Fan Zhongyan 范仲淹 (989–1052) that “public offenses are impossible to avoid, but if someone actually fears to commit public offenses, he will not dare to responsibility for anything and undertake any affair anymore” 公罪不可無。誠以畏避公罪。則無敢任事者。 This suggestion conforms with the second and third conditions for an effective system of sanctions, that require a “rational” relationship between performance and sanction as well as moderate sanctions for minor offenses in order to prevent official lethargy.

Li demands to extend the terms-of-office of both local and court officials in order to give officials a better chance to familiarize themselves with their tasks and better fulfill their duties. Longer terms-of-

¹The appointment by lottery was introduced by the Yongzheng emperor, who was chronically suspicious that the particularistic ties among the literati class undermined the formal recruitment system. High officials in the field (governors and governors-general) could submit suggestions of worthy candidates to the emperor for appointment. Zelin (2002), pp. 194–195.

office would leave clerks and runners with less opportunity to deceive the magistrate with false information. The majority “mediocre officials” gets a chance of promotion to the next higher rank every nine years according to their performance record. Criminal or incompetent officials can be dismissed and outstanding candidates promoted before the end of their turn of office. This represents a compromise with regard to the “dilemma of choice” between seniority and competence as described by Metzger (1973).

Li connects the attainment of goals of good government (the people living in peace) with proper “employment of personnel (REN)”. Proper employment of personnel relies on the right policies (FA) of personnel management adapted to the special needs of “mediocre men (ren)”. Li demands a formal universal appointment process that accounts for the fact that a particularist recommendation system will not select the best candidates because the vast majority of candidates are mediocre anyway. The distinction between public and private offenses must be strictly adhered to and minor lapses must be treated with lenience in order to prevent mediocre officials from tending to over-cautiousness and inactivity. Similarly, mediocre officials must be motivated by a realistic chance to advance in grade based on their seniority and performance. Li furthermore posits a connection between proper management of mediocre men (REN) and the efficacy of administrative regulations (FA).

Wang Zhiyin’s 汪志伊 (1743–1817) memorial on “Three matters of bureaucratic discipline” 敬陳吏治三事疏¹ warns against the dangers of over-regulation and demands the abolishment of three regulations that he regards as detrimental to administrative efficiency on the district level. Wang sees two main reasons for inefficiency and corruption: irrationality in the system of administrative sanctions that prevents officials from putting their talents to use, and a system of appointments that does not select the best men. Wang’s criticism is that the strategy of the legislators to respond to abuses of the current regulations (FA) is to introduce more regulations (FA). This opens up further possibilities of abuse because additional regulations may come with inherent defects, and the extant corpus of regulations unwieldy and hard to oversee. In reality, the efficacy of regulations (FA) depends on “appointing the right men for the job” (ren REN 任人) and properly “managing men” (yong REN). The “three matters” that Wang, several times inspector-general of Fujian province and later governor-general of Zhejiang and Fujian province during the Jiaqing reign (1796–1820), addresses concern tax collection deadlines, terms of office and salary cuts imposed on Fujian magistrates. Wang advocates to revoke the recent tightening of tax collection deadlines, to relax the three year limit on magistrates’ terms of office, and to reduce the scope and duration of temporary cuts of magistrates’ income. Wang starts his critique with a theoretical exposition on bureaucratic discipline.

“Since ancient times it has been men (REN) who have ordered the state, not regulations (FA). If we create a regulation (FA) for every defect (possibility for abuse) that arises, the laws will still never cover all contingencies. With every regulation (FA), new defects (possibilities for abuse) arise, we will never eliminate all of them. Also, the more complicated

¹HCJSWB, 16:11a–15b; also included in HCJSWTB/SHAO, 27:32a–33b.

the regulations (FA) get, the more they will get circumvented. This will lead to increasing neglect for regulations (FA). Viewed in this light, we had rather pay more attention to the management of administrative staff (REN), instead of focusing on the discussion of additional laws. If we have honest men in charge (REN), defects will take care of themselves.”

臣思自古有治人無治法。因一弊即立一法。而法卒不能周。立一法又生一弊。而弊終莫能除。且法愈密則規避愈多。則廢弛愈甚。由此觀之。與其詳於議法。不如慎于用人。蓋人正而弊自除也。

Wang calls the approach that he currently sees at work in Fujian and that he is critical of “focusing on the discussion of additional regulations (FA)” 詳於議法. What he means is that superiors solve problems of bureaucratic discipline by passing additional regulations that are intended to prevent abuse. As Wang expounds in the remainder of his memorial, these kinds of regulations are mostly not particularly effective for these purposes. They even have their own drawbacks in that they create additional problems and possibilities for abuse. Wang’s alternative to the particularistic approach of “creating an additional regulation (FA) for every defect that arises” is the more general approach of “management of government personnel” (yong REN). The core of his approach is to improve bureaucratic discipline through reward and punishment of official performance.¹

“It is not easy to recruit the right men (REN), however. In general, we get many averagely talented and few outstanding men. But the truly unworthy are also few in number. If we single out the unworthy men and punish them severely, then the others will naturally pull themselves together, and bureaucratic discipline will turn towards integrity. If we spot the outstanding men and promote them generously, then this will motivate the other men, and bureaucratic discipline will improve ever more. The averagely talented will be eager to emulate the behavior of the outstanding men, and will certainly not descend to the level of the unworthy.”

顧得人甚難。大抵中才多。賢者少。不肖者亦少。察不肖而痛懲之。則人心自振。而吏治可轉澆為淳。見賢者而峻擢之。則人心愈勸。而吏治必精益求精。是中才胥奮發而效賢者之所為。斷不至下與不肖者等。

After this general introduction, Wang discusses the “three matters” of Fujianese bureaucratic discipline. The matters at issue are the three-month deadline imposed on magistrates for collecting the army provisions tax (liangmi 糧米), the three-year term-of-office which magistrates have to fulfill before they can be appointed to another post, and the increasing frequency with which superior offices decide to withhold magistrates’ incomes. In a further introductory remark, Wang foreshadows the main points of his critique of each of the three regulations in the discussion that follows. Wang emphasizes that in all

¹While Wang frames reward and punishment under the (yong) ren-aspect, this is actually quite close to one classical understanding (among others) of fa as an “impersonal administrative technique of determining rewards and punishments in accordance with a subject’s true merit”. Goldin (2011), p. 92.

three cases, (more or less) recently introduced regulations diminish the chance of objective assessments of individual officials' performance that is at the core of his favored strategy. Many of those who possess enough will power and ambition are simply not eligible according to the formal criteria because they have not completed their current term-of-office at the time the vacancy arises. The rest cannot put their talent to full use because they are restricted by a short term-of-office or insufficient budget.

“Officials are impaired by criteria of eligibility that hinder them from putting their own will and ambition to good use. They are impaired by standards of evaluation that prevent them from staying in office long enough to put their talent to full use. They are impoverished by reductions of their streams of income so that they cannot fulfill their duties and foster their own integrity.”

特患執資格以限之。使不得伸其志以作其氣。復設科條以縛之。使不得久其任以盡其材。且扣得項以窘之。使不得全其守以正其趨。為可惜也。

Subsequently, Wang discusses the three issues in Fujianese administration in detail. The main thrust of his discussion is to illustrate how “creating an additional regulation for every defect that arises” does an insufficient job in solving the problems it is meant to solve, and how it at the same time create new problems. For each issue discussed, he identifies a regulation, decree or policy (FA) that he regards as the core of the problem. He points out how the respective FA causes the problem as a side-effect, offering evidence for his assesment that “with every FA created, another defect arises”. He also makes a point of underlining that the respective FA does not only have negative side-effects contrary to the effects intended by its makers, but even fails to fulfill its original purpose. Wang connects his demands for change with a punishment-and-reward-based strategy of yong REN (“management of government personnel”).

The first issue discussed is the tight three-month deadline for the collection of an army provisions tax established during the Qianlong reign. Wang demands to go back to the one-year deadline previously in force and to relax the sanctions for magistrates who fail to deliver the tax grain in time. Wang argues that in Fujian, tax delinquency is a widespread phenomenon and tax collection a tedious business. Coastal and mountainous areas dominate Fujian's geography. The soil is much barrenner and the people poorer than in other provinces. If magistrates choose a slow, but persistent strategy in urging people to pay their taxes, they have a chance to meet the quota. If they hasten things, desperate delinquents will engage in open tax boycott.

In 1788, the deadline for the collection of the army provisions tax was tightened and reduced from twelve to three months. The new regulation also requires stricter penalties for magistrates failing to meet the deadlines. The initiator of the stricter regulation of army provisions tax collection motivated the change with the vital role the tax plays in supplying the army. Wang Zhiyin points out that this is a poor argument, as there is still the land-tax of which a certain ratio provides for the army. The regulations of 1788 sanctioned failure to meet the quota after three months with exclusion from career advancement opportunities, and the second failure, after six months, with demotion and transfer to another post.

This had unintended consequences for both the tax income and the efficiency of local administration. At first, officials avoided penalty by misappropriating public grain stocks for the payment of the tax. This led to deficits in the granaries and was consequently prohibited. Since then, the frequency of magistrate demotions has soared. The average tenure of magistrates has decreased to one or two years. Many magistrates are transferred after the first round of deadlines, after a just few months in office. There are households who deliberately do not pay their taxes on time or refuse to pay their taxes at all, expecting that the magistrate will be exchanged after a few months anyway and they have to fear no consequences. Also, functionaries do not urge people to pay taxes and even take advantage of the situation and engage in corrupt practices. Instead of increasing, the amount of army provisions tax collected decreased.

In summary, the new three-month regulation has had the exact opposite effects of what its initiator intended, plus a number of undesirable side-effects. The original intention had been to motivate magistrates to hasten the collection of the army provisions tax due to its relevance for the yearly assessment of their performance (kaocheng 考成). In practice, the measure proved ineffective, as it even increased the tax deficit. The impeached officials were partly rehabilitated by appointing them to posts with the same rank instead of demoting them to inferior posts. But the frequent personnel changes left the public affairs of the affected localities in disorder. The only solution to benefit both the military and bureaucratic discipline, Wang argues, is reversion to the twelve-month deadline and full rehabilitation of all previously impeached officials.

The second regulation which Wang wants to see relaxed for Fujian is the regulations that prohibits “irregular” (bu heli 不合例) appointment of magistrates, i.e. reappointment to other posts before the end of their regular term-of-office or appointment to higher-ranked posts of officials who do not have a perfect track record. It should become possible again to reappoint magistrates to other posts before the end of their regular three-year term if there is an urgent vacancy and the person is specially qualified for this post. This kind of extraordinary reappointments was legalized by an imperial edict in 1749. However, the practice was outlawed again on the initiative of a censor in 1799. The rationale cited in the 1749 edict had been to enable quick reaction to urgent local needs. (After all, the provincial authorities of governor and governor-general only had the right to suggest appropriate candidates anyway, as the emperor had the last word in the decision.) The rationale cited by the censor when opting to revoke the 1749 regulation had been to prevent appointments based on personal relations. Wang calls this reasoning illogical: While cronyism is despicable, whether persons are appointed based on their personal relations to superior officials is completely independent from whether they have served their three-year term or not. Instead of abolishing a regulation that serves legitimate local interests well, and thereby producing local problems, the better strategy is to fight official cronyism and corruption in general, not just in this particular instance.

The other reason why the current regulations for promotions have become impracticable is that they require the candidate to have a record clear of any impeachment for failing to meet tax collection deadlines or failing to catch criminals in their jurisdiction. However, there are many places in Fujian where

this is impossible to achieve even for a very committed magistrate. In poor regions it is never possible to collect the full tax quota in time and the magistrate may also not be in a position to suppress all criminal activity. Wang suggests to make officials who have less than ten impeachments in their track record eligible for suggestion to the emperor as candidates for promotion. Even more lenient criteria have to be devised for districts with a high crime rate. Otherwise, Wang says, he, the governor, and the governor-general will run out of candidates. Already now they regularly have to drop candidates which they have chosen for his integrity and ability because a check of his track records tells them that, following the current criteria, they should actually rather demote him.

Wang's third demand is that the scope and duration of cuts on magistrates' income, especially the practice of "joint compensation" (tanpei 攤賠), have to drastically decrease. "Joint compensation" refers to the practice of compensating deficits in the provincial budget by collecting contributions from all officials stationed in the province, although they were not responsible for the deficit. Another frequent compensation scenario was to have successors in office make up for the deficits caused by their predecessors. Wang cites the example of a case where the soaring costs of a military operation in Taiwan were split among the local officials, first through cuts on their income, then through an additional compensation payment. In general with this strategy, the priority is placed upon fast compensation of the loss, instead of clarifying the causes and identifying responsible officials. Frequent compensation payments deprive magistrates of the funds for their normal conduct of official business, an effect they try to offset by levying higher customary fees (lougui 陋規). These fees are hard to control and often entail corrupt practices on the part of the officials or the functionaries who collect the fees. In the case cited, however, these decisions were revoked by an edict in 1796 that decided that it was not fair to have uninvolved officials pay for the mistakes of others who remained unaffected. The right decision, says Wang: it ensured that local officials have enough funds to conduct their business, and that the local people are not negatively affected by spiraling customary fees.

All three regulations criticized contradict Wang's views of proper personnel management. The first and second regulation prevent the "selection of candidates (REN) who match the job requirements best" 以官擇人. The third regulation punishes the wrong persons and makes officials liable for repayment of costs that they bear no responsibility for. Besides contradicting his views of proper personnel management, all three regulations also straightly fail to deliver the effects there were intended to. The intention of the first regulation, the shortening of the tax collection deadline for the army provisions tax from twelve to three months, had been to accelerate the collection of the army provisions tax to ensure the fast provision of supplies for the army. However, due to the poverty of most Fujian localities, magistrates were not able to meet the three-months deadline which lead to frequent dismissals. Local administration suffered from frequent personnel changes. Anticipating the magistrate's dismissal, the motivation of taxpayers to pay their taxes and of the tax collecting functionaries to urge payments decreased. So in the end, the new deadline undermined the original goal of ensuring the fast delivery of taxes in full quota to feed the army. The intention of the second regulation, that prevents appointment

of officials to higher-ranked posts before they have completed their current term-of-office, was to contain cronyism. Wang, however, denies the existence of any logical connection between whether officials engage in cronyism and whether the term-of-office completion regulation is strictly enforced. A more consistent choice in his eyes is the prosecution of cronyism in the bureaucracy in general. Wang also advocates relaxing the criteria for promotion and keep officials with a maximum record of ten impeachments eligible for promotion. Otherwise, the province runs out of candidates to fill vacancies because in many localities in Fujian it is simply impossible to keep one's track record clear of failed tax collection deadlines and uncaught criminals. The third regulation for "joint compensation" of deficits had been intended to quickly eliminate budget deficits on the local or provincial level. However, the repayments unduly reduce magistrate's income which they try to make up by demanding "customary fees" from the local population. This fosters the proliferation of corrupt practices among officials and functionaries, and leads to impoverishment of the people.

Wang's emphasis on "properly employing bureaucratic personnel (REN)" instead of "establishing a new regulation (FA) for every defect that arises consists of his three suggestions. Wang criticizes a mindset that regards prohibitions and coercion as universal means of securing bureaucratic discipline. His point is not, however, that personnel management can do without rules and prohibitions altogether, but that the particular three regulations criticized ignore the real conditions facing the magistrates that make it nearly impossible for the magistrates to comply, and are therefore ineffective. Wang's first suggestion is in line with the second criterion of Metzger's (1973) system of sanctions for efficient organizational control cited above, that demands a rational relationship between sanctions and performance so that officials are only penalized for events that are realistically within their practical control. The second suggestions touches upon the "dilemma of choice" between seniority vs. competence in Metzger (1973). The third suggestion calls for sufficient positive sanctions to contain corruption, demanding that magistrates be equipped with an adequate budget so as to be able to conduct their official business in a flexible and efficient manner. We can regard this as the precondition for any rational evaluation of official performance.

During his time as district magistrate in Zhejiang province, Zhou Hao 周鎬 (1754–1823) writes a response to a request of the acting governor-general inviting suggestions on "what would benefit and what is negatively affecting the local situation" (difang libi 地方利弊) from the local magistrates.¹ Zhou presents a list of six suggestions. He introduces his suggestions with a theoretical perspective on administration that uses the categories of benefits (li 利) and "defects", (bi 弊), and men (REN) and regulations (FA). A simple benefits-and-defects perspective on legislation can be misleading and counterproductive, Zhou says.

"Your eminence wishes to know what could benefit and what is harming my district. Benefit and harm are intricately related. For every benefit there is a harmful side-effect (bi). It

¹HCJSWB, 16:16a–20b.

starts with a new regulation (FA) that is established in order to bring benefit, an the negative side-effect (bi) lurks within the regulation. Next, there will be a reform of the regulation (FA) to prevent the side-effect. This produces side-effects (bi) outside the regulation (FA). Even if this kind of mending regulations continues on a daily basis, it does not help the district.”

憲割欲周知利弊。夫利弊不勝窮也。有一利即有一弊。其始也因利立法。而弊即伏於法之中。其繼也變法救弊。而弊又生於法之外。此雖朝更暮易。何補於地方毫末哉。

Zhou calls this style of government “reliance upon regulations (FA)” 任法. The better approach, that breaks out of the cycle of establishing ever more complex regulations, Zhou says, is “reliance upon the men in charge (REN)” 任人. The current problem is not that there are no adequate or not enough regulations in place. It can therefore not be solved by focusing on the regulations which is what Zhou calls the strategy of “relying on regulations (FA)” prescribes. It has to be approached from the perspective of “relying on the men in charge (REN)”. The problem that prevents full reliance upon the men in charge is twofold. On the one hand, in many districts, “no qualified men can be recruited for the position of the magistrate” 州縣之未得其人. On the other hand, even where qualified men can be recruited, they are unable to govern their district well, for two reasons. Overly complicated regulations (fa tai mi 法太密) unduly restrict the magistrates in the performance of their official tasks. And there is no “trust” (xin 信) in the fairness and appropriate of the system of positive and negative sanctions (quan cheng 勸懲), which renders the system ineffective. Zhou’s six suggestions can therefore be read as instructions on how to put the right men in charge and enable them to properly perform their duties, so as to be able to “rely on the men in charge (REN)”.

Zhou’s first suggestion is to abolish the criterion of seniority in the selection of candidates for postings. This suggestion connects to the second “dilemma of choice” between solidarity and control mentioned in Metzger (1973) and cited above. Under the current system of appointments, the only criterion observed is the date a candidate has first taken up office within the province, and the time the vacancy arises. The talents and capabilities of the candidates are not taken into account. This easily leads to a mismatches between posts and candidates. Less talented candidates may get assigned to “busy vacancies” (fanque 繁缺), although they are not prepared to simultaneously handle the many difficult tasks arising in a busy area.¹ Talented candidates, on the other hand, who could have put their abilities to good use in managing such busy posts, get assigned to easy vacancies (jian 簡缺) instead. The rationale behind the strictly formal appointment rules is to prevent the governor and governor-general from recommending their personally favored candidates into good positions. Zhou argues that such favoritism is a sure sign that the governor or governor-general is “not impartial and not right” 不公不正, which is a much

¹Magistrates’ administrative burdens varied from place to place. The terms “busy” (fa 繁) and “easy” (jian 簡) were the most general categories for the classification of the importance, on the one hand, and the work load and difficulty of the official business in an administrative district, on the other hand. For details and subcategories, see Ch’ü (1962), p. 15.

more general problem. Dishonest high officials can commit abuses in many ways that do not depend on whether they can appoint their personal agents magistrates.

Zhou's second suggestion is relax the sanctions for failures on the part of magistrate to detect and investigate internal abuses should be relaxed. What Zhou suggests here amounts to the second condition of sanctions for effective organizational control mentioned in Metzger (1973) and cited above, the criterion that sanction have to correlate with a member's performance in a rational way. At the same time, it involves the third condition of rendering sanctions for minor lapses mild enough that officials still risk committing them instead of shunning to become active in relation to part of their duties. It is the duty of the magistrate to detect cases of seal forgery and embezzlement of public funds committed by his staff. If the magistrate fails to investigate and punish the culprits within two months he is regarded as jointly liable and punished with demotion by two ranks and transfer. A magistrate who has not investigated case after two months has to face the same sentence as one who has not engaged in investigation at all and who is sentenced as confidant. Magistrates who detect a case of fraud only after two months have passed therefore try to cover it up instead of engaging in a proper investigation. In order to prevent this, sanctions should differentiate between magistrates who do not engage in investigation at all and those who engage in belated investigation, especially in investigation of cases that date from the term-of-office of their predecessor in office.

Zhou's third suggestion is to reduce the paperwork magistrates have to complete in a timely fashion to report to their superiors. Right now, magistrates have to adhere to strict procedures and deadlines and have to report every step to their superiors. Zhou demands that magistrates be granted more leeway in the conduct of administrative tasks and that evaluations of their performance be based on their output, not their adherence to formal protocol. This way, magistrates can account for special circumstances relevant in their district more flexibly. The superiors supervise the process but assess performance based on the end results. This still allows for detection and demotion of the "incompetent and unqualified" 昏庸不職者, Zhou claims. This suggestion involves the first "dilemma of choice" between tight control vs. discretion of office holders as described in Metzger (1973) and cited above.

Zhou's fourth suggestion is to reduce the magistrate's financial stress by banning the practice of so-called "donations" 捐款 to the personnel of superordinate yamen. These so-called "donations" 捐款 have to be paid on the occasion of regular transaction between the yamen and on the occasion of special projects. With the magistrates already on a tight budget, with expenses for supporting private secretaries, servants and extended family, envoys, entertainment of superiors, and gifts to friends and colleagues, they usually cannot pay the fees from their regular budget. Instead, they either exact this money from the people or misappropriate local public funds, which both leads to a growth of the local budget deficit in the ends.

"Don't they know that what they call 'letting the magistrates donate' means that the magistrates will either steal from the state (portions of the regular budget earmarked for other purposes) or impoverish the people, which both comes down to increasing deficits in the

local budget.”

曰捐之州縣。豈知州縣且上侵其國。下病其民。而併歸於積欠也哉。

Zhou suggests to eliminate the current deficits in local treasuries once and for all through a one-time payment, and then consistently prohibit all informal payments from the magistrates to superior yamen. This will restore the financial power of the magistrates and put an end to local budget deficits.

Zhou's fifth suggestion is that provincial authorities should inquire what reputation a magistrate enjoys among the local populace. The reputation among the people is an indicator of how “committed he is to the people's needs” 專心為民. This is substantially different from how well the official “serves his superior” 奉上: “There are magistrates who fully commit to serving the people's interests and for whom fulfilling their superiors' wishes is of secondary importance. There are also those who work on fulfilling their superiors' wishes and do not care about the people.” 有專心為民疏於奉上者。亦有工於奉上而無意為民者. It is important that superiors differentiate between the two and make sure that magistrates pay heed to the people's needs. “If the magistrate acts according to the wishes of one person, and does not inquire about the preferences of the people, then his title (MING) and his performance (SHI) are in mismatch and the distinction between good and bad is in disorder.” 若以一人之意向為憑，而不察萬民之好惡，則名實紊而是非亂矣.

Zhou's six suggestion is to restore “trust” 信 in the appropriateness of rewards and punishments (shang fa 賞罰), i.e. positive and negative sanctions. This suggestion connects to the fifth condition of an effective system of sanctions, as Zhou emphasizes the universality of application of sanctions. Zhou calls the system of sanctions the central instrument with which the emperor “governs the bureaucracy and exhorts the empire” 策馭羣才而風示天下. It is important that this instrument is universally employed. The situation that Zhou observes right now, however, is that assessments of magistrates' integrity and capability are available, but they are not used as basis of rewards and punishments.

“The assessments of magistrates by censors about who is honest and who is corrupt, who is talented and who is unworthy are usually all fair and impartial. But one never hears that those who are assessed honest and talented are selected for advancement in rank. Neither are those assessed corrupt and unworthy impeached and removed from their office.”

每聞各憲之品題州縣。曰某也廉。某也貪。某也才。某也不肖。議論非不公也。而所謂廉而才者猶夫故也。未見其拔而升之也。所謂貪而不肖者亦猶夫故也。未見其劾而去之也。

This sends out the wrong signals to the mass of “average talented” (zhongcai 中材) officials, discouraging commitment and encouraging deviant acts instead. Consistent employment of sanctions, on the other hand, motivates ambiguous “average talents” to commit their full energy to their tasks.

“If those who should be rewarded are not rewarded, this is called inhibiting the good. If those who should get punished are not punished, this is called nurturing the bad. [...] If

the rewards and punishments are handled rigorously, the average talents in the realm get encouraged to strive for achievements. But if rewards and punishments fall into disuse, this pushes the average talents to give in to lethargy and lose every sense for progress.”

當賞不賞。是謂沮善。當罰不罰。是謂養姦。[...] 故賞罰嚴者。鼓天下之中材而進之功業之途。賞罰廢者。推天下之中材而納之暴棄之域。

Zhou legitimates his emphasis on rewards and punishments by calling it the implementation of Confucius' principle of “putting the upright in charge and putting aside the crooked, so that the crooked can become upright” 舉直錯諸枉，能使枉者直。¹

In the introduction to his letter, Zhou had framed his six suggestions as “relying on REN”, not “relying on FA”. The suggestions concern the appointment, monitoring and sanctioning of magistrates and task structure. Relaxing formal criteria of appointment, Zhou argues, enables governor-general and governor to suggest the best candidates for the post. Rationalizing the sanctions for failures on the part of the magistrates related to the investigation of crimes will render magistrates more motivated to investigate internal abuses instead of covering them up. With more discretion granted to magistrates in the conduct of their administrative business, magistrates can react more flexibly to local circumstances, they do not lose time and energy on paper work, and assessment of the end result is a fairer way of judging officials' performance than assessment of how rigidly they adhere to formal procedure. A sufficient budget sufficient to cover all their regular expenses also enhances magistrates' flexibility, and helps magistrates abstain from demanding customary fees that invite extortionate practices on the part of the functionaries involved in their collection. Zhou suggests that investigation of the local reputation of an official should serve as an indicator of the performance of an official. This suggestion is a logical consequence of Zhou's emphasis on the role of the men in charge (REN). It can be seen in connection with the fact that criticism directed at Wang Anshi's reforms frequently refers to Wang Anshi's failure to appoint officials who empathized with the people which lead to the exploitation of the people by the new officials. The magistrate's first duty is to serve the legitimate interests of the people, not the personal interests of his superiors. Finally, Zhou regards the universal application of the system of sanctions as an effective means to discourage deviant acts and particularistic (corrupt) orientation, and to promote compliant behavior and a universalistic orientation.

These suggestions are associated with not “relying on FA” because they involve the abolition and modification of regulations (FA) that have proved ineffective. The picture that Zhou paints of the magistrate who has to be “relied upon” is that of the “mediocre man” or “mediocre talent” whose moral capacities depend on outer circumstances just as much as or more than on his inner spiritual strength. A sufficient budget will prevent him from engaging in the levying of customary fees that always leads to illegitimate surcharges that go into his own and his functionaries' private pockets. He tends to be more committed to serving his superiors' interests than the people's, as the further is connected to immediate conse-

¹He (n.d.), p. 14.

quences, while the latter might not be. He needs to see rewards and punishments consistently enforced to reassure them that it is worth to refrain from deviant acts and that integrity in the conduct of official business pays back.

There is a strong correlation between emphasis on REN and concerns of effective organizational control as described in Metzger (1973) and cited above. While Zhou's fourth and fifth suggestions present the magistrate torn between serving the superior yamen's and the people's interests, the remaining four suggestions correspond to above-mentioned ideal conditions and situational dilemmas related to Qing organizational control. The first suggestion involves the dilemma of choice of effectiveness through seniority vs. effectiveness through choice of candidates according to their qualification for the post. The second suggestion corresponds to the condition of rendering sanctions for minor lapses mild enough that officials still risk committing them instead of shunning to become active in relation to part of their duties; and condition involving "rationalized sanctions" making officials responsible only for events that realistically lie within his practical control. The third suggestion involves the dilemma of choice between effectiveness through tight control and effectiveness through tight controls reduce discretion of office holders. The sixth suggestion touches both upon the condition that sanctions must be universalistically correlated to members performance in achieving the organization's goals. Although the overlap may not be perfect, we see that Zhou's concern with "relying upon REN" largely overlaps with concerns of organizational control.

The HCJSWB contains the abridged versions of three examination essays by Chu Fangqing 儲方慶 (1633–1683) originally composed on the occasion of the metropolitan examinations of the year 1667 under the Kangxi emperor.¹ The three essays respond to examination questions asking examinees to sketch out policy suggestions for tackling three acute problems: the problem of appointing the right candidates to vacant posts; the problem of effectively containing corruption among local magistrates; and the problem of securing sufficient financial resources for the state without jeopardizing the people's subsistence. Chu's second essay, discussed in the following, responds to the second question of what measures can effectively combat corruption of the lower levels of the bureaucracy. Chu Fangqing employs REN and FA to demand the universal application of sanctions punishing corruption to all officials.

"The method (FA) to regain control is to identify and abolish all regulations (FA) that are ineffective, and to establish regulations (FA) to discipline all officials."

顧救之之法。必舉法之已行而不效者。一切屏去不用。更設法以馭群臣。

Chu's emphasis is on a universalist approach. Although the examination question asked how to contain the corruption of local magistrates, Chu demands that governors-general and governors must be checked as well. Particularist measures against corruption on the lower echelons of the bureaucracy are

¹HCJSWB, 7:37a–44b. For unabridged versions, see, for example, Wu (1851), 39:67a–75b or Chu Fangqing's collected works, Chu (1876), 6:1a–15b.

simply not effective, Chu insists, “getting rid of crime and violence while exempting notables and dignitaries from the measures (FA) will not work.” 惟行法不加于貴顯，而足以禁奸除暴，未之有也。 There is an overlap between Chu’s demands and the condition of universalist application of sanctions for effective organizational control.

Chu supports his demands by indicating that power corrupts and that corrupt practices spread top-down. Furthermore, it is a cardinal error to suppose that high officials tend not to engage in abusive practices. On the contrary, more power and longer terms-of-office tend to corrupt people and, at the same time, render them harder to monitor and control. The higher an official the greater his jurisdiction and the larger the number of people affected by his corrupt practices. Lower officials become corrupt in the process of collecting surcharges from the people to meet the expenses they are expected to make to entertain their superiors.

“[...] men (REN) must not be given great powers. No person should be entrusted with power and a long term-of-office if no mechanisms exist to restrict him. With great power, people easily lose their self-restraint, and with long terms-of-office people easily lose their sense of what is right and proper (and establish particularistic ties). If there are no mechanisms to restrict them, they will cover up crimes (their own and of their personal network) from the ruler.”

[...] 重權不可假人。假之以權。而使久于其任。又無以制之。此甚不可者也。權重則易恣。久任則易狎。無以制之。則奸不得上聞。

The government should not just target corruption and extortion on the part of local magistrates and their immediate superiors.¹ The government should start to investigate and impeach governors-general and governors for their illegitimate activities which are the source of corruption among the lower levels. The fact that current anti-corruption measures have not discouraged magistrates from engaging in extortion of surcharges, and the fact that the scale of corruption has increased on the contrary, shows that the root of the problem lies elsewhere. The magistrates extort excessive fees from the population because their superiors extort funds from the magistrates in turn. Neither the magistrates nor their superiors should take all the blame. The magistrates get corrupt because they respond to their superiors’ demands. Corruption of the magistrates superiors does not come out of nowhere, but is caused by demands placed on them by officials still higher up in the administrative hierarchy. Corruption spreads top-down and its scope is the greater the higher up it starts.

The anti-corruption regulations applied to magistrates should therefore be extended to high officials. On the one hand, punishing a high official has a larger deterrent effect because there is automatically more publicity. On the other hand it meets the condition of universal application of sanctions regardless of the offenders status. This will increase the legitimacy of the system of administrative sanctions in

¹There were in general three layers of officials in between the magistrates and the governor. See Ch’ü (1962), p. 5.

the eyes of the lower officials. Failure to apply anti-corruption measures universally, on the contrary, hampers the normative effects that the regulation (FA) exerts upon officials' attitudes and behavior.

“If one man (REN) is exempted from punishment for his crime, but thousands of other men (REN) are punished, then these hundreds of others will know that they are punished for corruption. But in their minds they will find it hard to completely accept it. Those who escape punishment by law (FA) will indulge in corruption and know no limit. I have heard that ‘enforcement of regulations (FA) should start with those closest to the ruler’.¹ Getting rid of crime and violence while exempting notables and dignitaries from the regulations (FA) will not work. ”

今舍一人之罪。而求之千萬人。千萬人之心雖以貪獲罪。而其心猶有所不服。故僥倖于法所不及者。復肆其貪而不知止。臣聞法行自近令出。惟行法不加于貴顯。而足以禁奸除暴。未之有也。臣聞法行自近令出。惟行法不加于貴顯。而足以禁奸除暴。未之有也。

A universal system of sanctions is not the only building block of effective organizational control of the bureaucracy for Chu. The goal should be to achieve a state where officials do not have to be sanctioned for corruption because they simply do not engage in corruption in the first place. One pivotal step to achieve this is to carefully “select the men to be put in charge (REN)” 擇人. The selection should take into account the administrative challenges posed by geography and the character of the local people. Prospective candidates should have no personal ties to other officials in the area. This ensures that they can act independently (duxing jizhi 獨行己志) and do not tolerate attempts to deceive the ruler among their subordinates. It discourages the officials under his supervision from exploiting the people in their jurisdictions. Any dishonest officials who still embezzle money and mistreat the people may be safely brought to justice. It will accord with the broader officialdom's sense of fairness and nobody will doubt the sanction system's appropriateness. A further step to discourage corruption is to shorten term-of-office of governors-general and governors to one year. A longer term-of-office means more time for illegitimate networks of interest and particularistic ties to form between high officials, low officials and functionaries. Finally, low officials should be installed to monitor governors-general and governors to further check their power, a strategy that Chu calls “those with the lowest status checking those with the highest status” 至輕馭至重.

Chu clearly regards both the universal application of sanctions (FA) and other strategies, including the careful selection of men (REN) as well as the creation of mutual checks among the bureaucracy, as indispensable for containing official corruption.

We find another example of an appeal to universalist sanctions that employs the REN-FA polarity in a comment by Pan Lei 潘耒 (1646–1708) in response to an imperial edict eliciting suggestions on a ques-

¹The statement that “the enforcement of laws should start with those closest to the ruler” 法行自近 is from the Xin Tangshu 新唐書, Ouyang et al. (n.d.), p. 1964.

tion similar to Chu's examination question, but not restricted to magistrates: how to stop unlawful and corrupt practices among the officialdom.¹ Pan makes five suggestions: stricter application of rewards and punishments, creation of more direct channels of communication with the emperor, more careful recruitment of officials, rewards for honesty and integrity, and incentives to encourage people to attend village schools. Pan's program touches upon many aspects of the relationship between the court, officials and the people, as well as the education, recruitment and management of officials. His argument for the first point of the program, stricter application of rewards and punishments, employs the categories of REN and FA in demanding universal application of sanctions. Current anti-corruption laws are strict and comprehensive, Pang says, but there is a gap between legislation and implementation. Particularist or lax application of administrative sanctions leads to grave problems.

"If a regulation (FA) is used here but not there, this paves the way for selective circumvention of the law. If a command is executed in the beginning, but not later, then gradual disintegration of the laws sets in. [...] In my opinion, passing regulations (FA) is not difficult. Enforcing them is difficult. If regulations (FA) are not enforced consistently, but instead observed for some people and neglected for others (depending on the status of the delinquent), then some men (REN) are immune to the law (FA). If regulations (FA) are not enforced constantly, but instead sometimes observed and at other times neglected, then some men (REN) can evade the law (FA)."²

一法也。用於此不用於彼。則幸免之路開矣。一令也。行於前不行於後。則枉撓之漸啟矣。[...] 臣以為立法非難。用法為難。行之稍不斷。則或張或弛。而人得逃於法之外。守之或不堅。則一出入。而人得遁於法之中。

Pan illustrates his concerns with a specific case and two loci classici demanding universal application of sanctions. The first is a point originally made in the Han Feizi.

"Not to forget to reward those in lowly positions stationed in distant localities, and not to spare the notables close to the emperor from punishment."³

賞不遺卑遠。罰不廢貴近。此其要術也。

Pan regards this as evidence that "the sage kings enforced laws (FA) fairly uniformly" 聖王用法較若畫一. The second is a quote by Zhuge Liang.

"To pass laws (FA) and not to enforce them consistently and constantly is the same as having no laws (FA)."

夫立法而行之不斷。守之不堅。與無法同。

¹HCJSWB, 13:49a-54b.

²Judging from the way Pan uses FA, it seems justified to translate FA as "law". For example, Pan writes of the "offence" 罪狀 of "breaking the law for private advantage" 枉法交私, "passing laws" 立法, "circumventing the law" 逃於法之外, "complying to the law" 守法, and "failing to implement the laws consistently (universally)" 行法不斷.

³Cmp. Han Fei's statement that "when punishing, high officials should not be spared, when rewarding, ordinary men should not be forgotten" 刑過不避大臣, 賞善不遺匹夫. Han & Wang (1896), p. 41.

Authors often express the “dilemma of choice” between tight control and discretion through the concern that regulations (FA) are too complicated (fan 繁) or strict (mi 密) to allow for efficient administration.¹ What authors demand in the name of “simplification” of the regulations is largely synonymous with a reform that grants regional officials more discretion but renders control more efficient in the end. An illustrative example is the response of the assistant prefect Yang Yuguo 楊于果 (1745–1822) to the question of the governor-general of Huguang why institutions (FA) that worked fine in the past such as the baojia system of collective neighborhood organization and community granaries were largely failing in more recent times.² In the question, the governor-general imputes a connection of the failure with “bureaucratic discipline” 吏治. In his reply, Yang states that insufficient bureaucratic discipline only offers a partial explanation of the failures. The other part of the explanation are the institutional regulations (FA) themselves. reform for the sake of “simplification” is one three points Yang makes on the reform of regulations (FA). Institutions may not only become ineffective because officials fail to enforce them. Their regulations (FA) have to change from time to time and must be “simplified” to be effective.

“Since ancient times there has been no institution (FA) that has not become defective or been abused. This is also due to changed circumstances. It is not just because the magistrates do not put enough effort into enforcing the institutions (FA).”

某竊以為從古無不敝之法。此亦時勢使然。非盡州縣奉行不力之故。

Yang supports this claim with evidence that Confucius did not prescribe any institutions (FA) for eternal use. Yang differentiates between zheng 政, which refers to governmental affairs or the temporary measures employed to regulate these affairs, and FA, fundamental institutions that represent models for emulation by future generations. Yang’s assessment is that Confucius actually only recommends a handful of cultural institutions of antiquity for future use.

“The Analects often speak of governmental affairs (zheng), but never of institutions (FA). When Confucius pondered about what of the institutional designs of antiquity could be used eternally without defects arising, the result were the music of Shun and Yu, the calendar of Xia dynasty, the chariot of Shang dynasty and the crown of Zhou dynasty. Institutions (FA) indeed must change with the times, just like a worn-out robe must be mended, and worn-out strings of an instrument must be exchanged.”

論語言政屢矣。初未嘗言法。孔子酌四代之制。求其可以永行無弊者。惟虞韶夏時殷輅周冕而已。其他概不之及。誠以法者。與時變通。其因革損益。皆相時而為之制。如緇衣然。敝則改為。如琴瑟然。不調則更張。

Yang illustrates his claim through the discussion of the three institutions (FA) of baojia, ever-normal granaries and the salt monopoly. All three systems have, on the whole, proved ineffective since the

¹See Metzger (1973), pp. 238–239, on factors limiting and promoting centralization in the Qing bureaucracy.

²HCSWB, 16:28a–30b.

Qing dynasty, or even earlier.¹ Yang contrasts the past with the present situation in order to show how changed circumstances have resulted in the inefficacy of the institutions, and to emphasize his point that the institutions have to be adapted to the times.

In Zhou dynasty, the heads of the baojia units were selected for their high moral standing in the local community. They assisted the magistrate in local government and were treated with the considerable courtesy. The unit heads and the magistrate jointly worked for the education and welfare of the people. Nowadays, however, the unit heads have descended to the role of tax collection agents and are held liable if people in their unit fail to pay their taxes.² With their days spent running after delinquent tax payers, they have no time assisting the magistrate in providing for the people's spiritual and economic wellbeing. The magistrate himself, overburdened with administrative paperwork and constricted by deadlines, also has no spare time to invest into the people's "education and nourishment" 教養.³

"Regulations (FA) are instruments of government. They cannot function by themselves but rely on men (REN) who execute them in order to function. The magistrates are officials who execute regulations (FA). It is desirable that regulations (FA) are easy for them to comply with and hard to deviate from. Nowadays, there are many complex regulations, reporting requirements and tax collection deadlines. Already small arrears can entail public prosecution. This way, even a magistrate who wants to administer his district well cannot put his intentions into practice. Soon he will acquire a careless attitude and only work to protect himself. His responsibility to 'teach and nurture' the local people will become an empty phrase."

法者治之具。法不能以自行。必待人而後行。州縣為奉法之吏。法欲其易避而難犯。今則科條繁多。惟簿書期會之為急。少有齟齬。即干吏議。雖有願治之心。不能自行其意。亦莫不苟且其心。思為自全之計。然則所謂教養者。徒虛語耳。

When the ever-normal granary system was properly functioning, stocks were sold every year when prices were high, and the granaries were restocked again when the grain price had fallen. Nowadays, magistrates have to apply for permission from the superior yamen for every sale. This leads to such a delay that the prices are down again when magistrates finally obtain their permission to sell. The personnel commissioned to oversee the sale and restocking take advantage of their role and demand arbitrary surcharges. The embezzlement of the proceeds obtained from the grain sale is another problem. Due to these reasons, magistrates tend to refrain from selling granary stocks, so that the stocks slowly rot away

¹See Ch'ü (1962), pp. 151–52, for an assessment of the overall effectiveness of the baojia system, and pp. 157–59, for the granary systems. See Sokoloff (1980) for the salt gabelle.

²Li (2010), p. 115, notes that "[b]elow the country were rural households organized into decimal groupings called lijia for household registration and tax collection and into another set of decimal groupings called baojia for neighborhood surveillance. In the eighteenth century, the baojia further assumed the functions of tax collection after the state abandoned the lijia system."

³"Education and nourishment" involves moral education and guidance, but also all activities that foster local (self-)subsistence, for example the promotion of local agriculture and commerce.

or are eaten by mice. The original intention of the public granaries was to balance the market price in order to protect the people from the effects of private hoarding. But with the current restrictions in place, the system only benefits unlawful and isolates the upright, Yang says. The unlawful circumvent or even break the regulations, while the upright harm themselves while trying to save the failing system.

The history of the salt monopoly shows, Yang argues, that it is that relatively unintrusive systems that involved moderate organizational effort were most successful. Complex systems (such as the salt monopoly described in the *Guanzi*) can be operated in small states, but not in a large empire. What Yang regards as too strict in the current salt system are the regulations combating smuggling. Magistrates are required to engage in an investigation of the origins of the smuggled salt came from if they catch smugglers with more 300 catties of salt. If the investigation fails, the magistrates face disciplinary action. These leads many magistrates who catch smugglers to report artificially low quantities or even to ignore the case completely. The result is that a FA intended to prevent smuggling helps to promote it.

Yang concludes that the three cited cases are examples of a general negative trend of official paralysis and lethargy. The institutional (FA) changes he suggests to counteract this trend are the abolition of government-run granaries and the salt monopoly, and the establishment of a retrofitted *baojia* system. The changes will relieve the magistrate (REN) from superfluous administrative burdens and let him dedicate all energy to his original principal task of “educating and nurturing” 教養 the people living within his jurisdiction, Yang says. Local self-subsistence will be the logical consequence of a more efficient body of regulations. The magistrate can handle most administrative duties himself and has to rely less on (potentially unreliable) functionaries. With no functionaries preying upon their property, the people can devote their full energy to agriculture and commerce with virtually no extra guidance from the magistrate. The magistrate only has to provide disaster relief, adjudicate criminals and make prohibitions public. Local customs will improve by themselves. The *baojia* system fits in nicely in with this strategy. All other institutions such as community granaries and the salt monopoly can be abolished.

Yang’s essay addresses the “dilemma of choice” between central regulation (FA) and local flexibility (REN). His radical solution is the abolition of a range of local institutions which cannot be operated efficiently. Yang argues that this will result in an overall increase of administrative efficacy because magistrate’s energies are freed and they can commit to their other tasks, while subofficial functionaries are deprived of opportunities to engage in abusive practices.

Wang Xiaocheng 王效成 (fl. during Daoguang reign) similarly addresses the dilemma between control through enforcement of central regulations (FA) throughout the empire, and the discretion of the men in charge (REN) to adapt them to the local circumstances. Wang discusses the problem with reference to the fall of the Qin dynasty (221–206 BC). According to Wang, the Qin emperors’ fallacy was to issue regulations (FA) centrally without paying enough attention to the ability and integrity of the officials and sub-official functionaries (REN) in charge of implementation, and as to whether or not the reg-

ulations fit the situation in the individual administrative regions.¹ Wang calls this “governing through regulations (FA)” 以法治. But as regulations (FA) are only the tools of government (zhi zhi ju 治之具) and their successful application depends on the moral and technical competence of the officials in charge (REN), the ruler should rather “govern through men (REN)” 以人治. What Wang implies by “governing through men” seems to be to appoint virtuous and capable and grant them flexibility to adopt regulations to the circumstances. According to Wang, the ruler and high officials should never neglect appointing talented bureaucratic personnel (REN), even if they assume that the issued regulations (FA) are good enough to prevent corruption. Centrally issued decrees and regulations (FA) must not rule out granting local officials leeway to flexibly adapt them to the local situation. “If one governs through men (REN), the regulations (FA) will be effective if the right men (REN) are put in charge. If one governs through regulations (FA), the men in charge (REN) lose all flexibility and initiative, and the regulations (FA) will subsequently become ineffective.” 以人治者人得而法從，以法治者法生而人死，而法亦困.

Guan Tong 管同 (1780–1831) wants to rehabilitate the unfashionable concept of “education and transformation” 教化.² His take on the question of the basis of good government is that effectiveness of institutions cannot be taken for granted but relies on “men of talent” 人才.

“All over the empire, there is clamor for change of the institutional (FA) setup. But if the customs do not change, no men (REN) of talent are produced. Even if there is an institutional (FA) setup, who is there to operate the institutions?”

天下之士。囂囂然爭言改法度。夫風俗不變。則人才不出。雖有法度。誰與行也。

The availability of such “men of talent” depends on the “customs” or “mores” of the time. According to Guan, negative tendencies of the customs prevent men from developing their full potential and becoming “men of talent”. These negative tendencies in the customs vary with the times, just as the customs do. The central negative tendencies of the Qing dynasty are greed for profit (changli 嗜利) and servility (haoyu 好諛). Greed for profit spreads top-down, from high ministers to commoners. It tears people from their embeddedness in proper Confucian relationships. It makes them “bend the laws (FA) and strive for personal gain” 斂法營私 in times of peace, and turns them into criminals and rebels in times of trouble. Servility is the tendency of those in subordinate positions to flatter their superiors and is not to be confused with loyalty. Subordinates “shower their superiors with flatteries but do not feel real loyalty towards them” 有諂媚而無忠愛.

So Guan’s stance is that greed for profit and sycophancy impede the efficacy of institutions. Luckily, the rulers have an influence on the customs: “The customs are made by those above” 風俗者上

¹HCJSWXB/SHENG, 9:11a–12b.

²HCJSWB, 7:45a–47b.

之所為也。The rulers can affect positive changes if they revive the method of “education and transformation” 教化。Guan says the fact that many contemporaries regard “education and transformation” as an anachronistic, impractical concept is based on a basic misunderstanding. The practical aspect of education and transformation is actually very up-to-date and effective, Guan asserts. Education, Guan points out, means to instruct and transformation means to guide people with one’s own behavior. The practical way “education and transformation” to inhibit profit seeking and sycophancy, then, would be to provide sufficient role models for the people to emulate. As moral influence spreads top-down in Guan’s universe, these models should be people starting from the emperor down to common people. They have to display disinterest in material wealth and flattery by subordinates. The emperor can show his disinterest in exotic food and fancy clothes by eating common food and wearing plain clothes. But, most importantly, he has to “close the gate of profit talk” 閉言利之門。What Guan seems to concretely connect to “closing the gate of profit talk” is to discourage official suggestions on how to generate more state income, and to encourage suggestions on how to cut costs and achieve savings for the state budget.¹ The emperor can show his disinterest for flattery by “opening channels of critique” 開諫爭之路 and inviting criticism of imperial politics. Pan emphasizes that it is important for the effectiveness of this move that the “channels of critique” are really open to all official strata and that these people have trust in the fact that they are not going to be prosecuted for breaking taboos with their critique.

Guan emphasizes the point already touched upon in Chu’s text, that the “bureaucratic norms” or “bureaucratic culture” has an impact on officials’ compliance to the law (FA) and to the efficacy of the system of sanctions in improving organizational control.²

¹This is actually very similar to what Chu Fangqing understands under the seemingly abstract advice of prohibiting “profit talk”.

²This point is also made in a memorial by Huang Tifang 黃體芳 (1832–1899), who writes that the *jiaohua* of exemplary provincial governors and governors-general such as Hu Linyi and Zeng Guofan, and specifically their “teaching of loyalty” 教忠, involved establishing regulations (FA) which “mediocre men” could comply to. HCJSWXB/GE, 25:3a–4b. But note that just as in Guan and especially in Chu, Huang complements his suggestions of a soft approach of “transforming” the bureaucratic culture with an approach of “strict law enforcement” 法在必行 through the system of administrative sanctions.

2.4 Taxation

This subchapter discusses the use of the REN-FA polarity in the writings included in the sections on taxation (fuyi 賦役) of the statecraft compendia. The writings employ the REN-FA polarity to contrast the role of human agency (REN) and sound regulations (FA) for institutional efficacy. They discuss how to achieve the proper balance between discretion of the men (REN) in charge on the district or provincial level and central control through central regulations (FA). Authors emphasize the role of FA to argue that efficacy of taxation (low corruption) establishing procedural rules that render abuse as difficult as possible (for example by specifying clearly demarcated responsibilities fulfillment of which easy to monitor and hold individuals accountable), and performing consistent monitoring and sanctioning. Authors emphasize REN to argue that efficacy lies in recruiting personnel (REN) who are least likely to engage in abuse and in granting the men in charge locally (REN) a certain degree of flexibility to adapt regulations and quotas to the local circumstances, and that institutions (FA) vulnerable to abuse can be kept by putting honest men in charge.

Before the 1850s, the Qing state's fiscal income consisted of 75% agrarian taxes, while the remaining 25% was obtained in more or less equal shares from the salt gabelle and internal customs duties. The official agrarian taxes which the mass of the people had to pay was actually relatively low during most periods in imperial times.¹ Land taxation had even dropped from close to 10% of total agrarian production during the Ming to 2% during the Qing according to estimates.² Attached to the formal fiscal system, however, was an informal system of fees and surcharges largely beyond the control of the central government. The central government accepted the necessity of the informal system due to the chronic underfunding of the provincial and sub-provincial administration. At times, it made attempts to reign in excessive abuse that resulted from the lack of oversight.

The Qing state's extractive capacity started to grow significantly in the second half of the nineteenth century, a development sometimes obscured by the "dynastic decline" narrative. The first spurt of growth arose in the context of the mid-century rebellions (Taiping, Nian and Muslim uprisings), and was driven by the need for substantial military funds.³ The sudden need for military funds led to the introduction of the lijin ("one thousandth"), an internal tariff on commercial goods in transit.⁴

The taxation system of the Qing state was affected by ineconomies of scale. The great size of the territory and great variation of land-holding patterns rendered the measurement of tax assets and monitoring of official agents hard and costly. Further problems arose from the recruitment of sub-official

¹Wang (1973)

²Myers (1980), p. 161.

³As a result, the Qing state was able to appropriate between 5–10% of total economic output by the early twentieth century. Halsey (2013) thinks that this marked the transition from a taxation system and a concept of statecraft focused on maintaining an agrarian equilibrium to one prioritizing the protection of Chinese sovereignty and the beginning of the development of a military-fiscal state, a development that culminated after 1949.

⁴According to Motono (2000), p. 4, the lijin was not calculated according to the price of a commodity like present-day indirect taxes, but rather imposed on merchants in exchange for performing a certain commercial service. The amount charged was supposed to vary with the volume of trade and the costliness of the commodity, though. Mann (1987), p. 101.

functionaries, who often inherited or bought their office and the inappropriateness of positive sanctions (official salary). The land tax was the most important tax until the second half of the nineteenth century. It was assessed according to the size of land possessed by a tax payer, not his income or produce, which would have harder and more costly to measure, and therefore lacked income and price elasticity. Measurement of taxable assets was still not easy, which encouraged tax evasion. Tax evasion and tax exemption for members of the privileged gentry increased the tax burden placed on non-gentry households. Three official attempts at large-scale land surveys in the seventeenth century failed due to lack of collaboration on the part of landowners. Difficulties in effectively monitoring and sanctioning due to the huge distances which in formation had to travel officials encouraged corruption. Ineffective monitoring lead to arbitrary and therefore ineffective sanctions.¹ Theoretically, surcharges and also reallocation of funds earmarked for remittance were more tolerable if they adhered to the principle of “using public funds to pay for public expenses” (yi GONG wan GONG 以公完公), and did not amount to “misusing public funds for private purposes” (jia GONG ji SI 假公濟私). But the disciplinary sanctions imposed on local officials show that the central government was not always willing or simply not able to discriminate between deviant behavior induced by underfunding or corruption, between legitimate temporary reallocation and illegitimate embezzlement, between legitimate surcharges and illegitimate extortion.²

Most corruption happened during the immediate collection of taxes from the tax payers through exaction of surcharges. Local magistrates were responsible for administering the collection of taxes at the county level. They delegated the collection itself to clerks and runners. The clerks and runners were not only hard to monitor but also hard to replace because they gained their knowledge on the job. Their long-term ties to local landlords often encouraged collusion that resulted in the undervaluation of assets against bribes.³ Positive sanctions in the form of official salaries were lowest at the sub-official level. While official salary is in general not linearly correlated with corruption in case other streams of income exist, the low remuneration of sub-official functionaries certainly promoted corruption because they in general had no other significant streams of income.⁴ Purchasers of office in particular wanted to generate a return on their investments.⁵ The data gathered at the 1728 tax clearance campaign on the order of the Yongzheng emperor confirms this. According to the data, 0.3% of tax deficits were due to higher officials, 41.1% due to sub-official functionaries (lowest control, lowest positive sanctions), 54.7% due to tax evasion (mainly by wealthy and powerful landowners) and 3.9% due to tax farming by elites.⁶

The first three writings, one by Xiong Feiwei and two by Lu Shiyi, all three dating from the Kangxi

¹Kiser & Tong (1992), pp. 311–319.

²Zelin (1992), pp. 39–42.

³Kiser & Tong (1992), p. 312.

⁴Ch’ü (1962), p. 43, notes that most clerks actually serving (not holding nominal posts) were members of the propertyless class and were motivated by economic reward.

⁵Marsh (1961), p. 454.

⁶Zelin (1992), p. 254; Kiser & Tong (1992), p. 318. Tax farming (baolan 包攬) refers to the practice of the tax-exempt gentry to establish contracts with peasants or members of the less privileged gentry to pay their taxes in exchange for a fee. See Kiser & Tong (1992), p. 326.

reign (1661–1722), discuss cadastral surveying, the procedure that creates the basis for the assessment of the land-tax. The following three memorials concern policies that attempt to regularize the levying of informal surcharges on the land-tax. The first is a memorial from the Daoguang reign presented by Yan Jian in 1822 that discusses the *chaiyao*, a labor-service surcharge imposed in Zhili province. The other two are memorials advocating the regularization of the *haoxian* surcharge on the land-tax. The first one of them, presented by Gao Chengling, one of the original advocates of the regularization, dates from the early Yongzheng reign (1723–1735). The second memorial dates from the early Qianlong reign and is written by Sun Jiagan. The final two writings by Guo Songtao and Mao Hongbin defend the *lijin* and its modalities of implementation and both date from the first half of the 1860s.

The basic problem constellation faced in the writings discussed in this section is unfair taxation resulting from defects in the tax regulations (FA) or corruption and tax evasion on the part of the officials in charge of implementation or tax payers (REN). The solutions which the writings propose involve the reform of current regulations (FA), or the enforcement of existing regulations (FA). Several of the authors opt to replace the current regulations (FA) by regulations which the average man in charge (REN) has a realistic chance of implementing and complying to. This can mean to establish rules of procedure and assign clear tasks and responsibilities to facilitate the supervision of subordinates by the average man in charge. This strategy is expressed particularly clear in Lu Shiyi's second text on methods of cadastral surveying. It can also mean to establish rules of procedure render it hard for the man in charge himself to commit any abuse. See Gao Chengling's and Sun Jiagan's memorials advocating the regularization of the *haoxian* for a vehement expression of this position. Authors may also opt to pass more general regulations (FA) and let the men in charge (REN) flexibly adapt details such as fee quotas and collection modalities to the local circumstances. See, for example, Yan Jian's memorial concerning the *chaiyao* and Guo Songtao's defense of the *lijin*. Guo's use of conventional idioms involving REN and FA strikes a contrast with Gao's and Sun's memorials. The suggestions also involve the enforcement of the existing regulations (FA) by putting compliant, honest men (REN) in charge, as well as controlling their performance and compliance with the system of disciplinary sanctions. Xiong Feiwei's remonstrance expresses this position. Mao Hongbin's memorial, while underlining the importance of putting complaint men (REN) in charge, states that officials are not inherently more compliant and honest than members of the local elite.

Xiong Feiwei 熊飛渭 († 1697), a district magistrate in Guangxi province, writes about the necessity and method of conducting a cadastral survey to update the information that forms the basis of tax assessments.¹ Xiong motivates the revision of cadastral registers by reporting that the information on tax units and individual households was so completely out-of-date and tax liabilities so unevenly distributed that people unable to pay their tax debts were driven to flee their homes. Xiong emphasizes that the men (REN) charged with conducting the survey had to be carefully chosen (*bi ze REN* 必擇人)

¹HCJSWB, 30:48a–49a.

and the regulations (FA) strictly applied (bi yan 必嚴法). All men recruited to assist the representatives of the tax units and the magistrate in the survey would be “publicly chosen” 公舉 from among the elders and well-to-do households. The strict application of regulations (FA) pertains both to the regulations specifying the method and the individual responsibilities as well as the sanctions for those attempting to boycott or subvert the method, for example landholders who attempt to make the survey team undervalue their land in terms of size or soil quality.

Xiong regards his approach as a confirmation that “from antiquity until the present day, it have been men (REN) who order the country, not regulations (FA)” 夫古今有治人，無治法。In Xiong’s interpretation, the statement calls for a clear demarcation of responsibilities that allows for efficient monitoring and is backed by a rational system of sanctions: “carefully choose the men (REN) to be put in charge and confer them their individual responsibilities in order to be able to evaluate their achievements, focusing on the important points instead of compliance to arbitrary details” 慎選其人，而責之事以考其成；取其大，而不苟其細。 “Focusing on the important points instead of compliance to arbitrary details” probably means that the men involved in the land survey should be judged solely on the basis of whether or not they have fulfilled their respective responsibility, but should not be punished for minor lapses or required to follow an unnecessarily complicated protocol.

The HCJSWB contains two essays on cadastral surveys by the Neo-Confucian scholar and statecraft advocate Lu Shiyi 陸世儀 (1610-1672).¹ In the two essays, Lu discusses the conditions of successful cadastral surveying in terms of the men in charge (REN) and the regulations or procedural rules (FA). The first essay introduces the general idea of the cadastral survey and its intended function of ensuring fair taxation. Lu points out that both the selection of the right men to be put in charge (REN) and adherence to the right method (FA) are indispensable for the successful conclusion of surveys. The selection of a good method will not lead to objective results if the men in charge are corrupt, improperly monitored and therefore do not adhere to the method. Even virtuous men need to select a good method to achieve objective results and diminish popular fear of corruption in the process. In the second essay Lu recommends a method (FA) for conducting cadastral surveys that presents as perfect because it reduces the opportunities for abuse of by the men (REN) in charge of the individual steps. It can therefore work even if the magistrate overseeing the process is only “averagely talented” (zhongcai 中才) in terms of his perceptiveness and moral charisma.

In the first essay, Lu calls cadastral surveying the foundation of good governance (zhizhi zhi genben 致治之根本) on the district level, on which the other tasks of the magistrate such as the organization of education, maintenance of order, training of militia and the adjudication of civil and criminal cases build. At the same time, cadastral surveying is not the kind of business which the magistrate can completely delegate to his assistants and clerks while he remains “sitting in his office” 坐于堂上. The magistrate has to select the best men (RENCai 人才) in the district and make sure that they follow the

¹HCJSWB, 29:23a–25b; HCJSWB, 31:15a–17b.

method (FA). He must explain them the general principles (dao) of the survey and instruct them about the method or procedural rules (FA). A survey can only be said to have “proceeded according the right method (FA)” (de FA 得法) if the men visit each and every tax unit in every village and report the survey results truthfully and without omissions.

Due to the difficulty of the task, there are numerous historical examples where land surveys were not conducted objectively and in consequence did not lead to the intended effect of establishing a fair and objective basis for taxation. The reason is the dependence of successful application of the method (FA) on the men (REN) who are in charge of applying it. The consequence to be drawn from history is that the right method (FA) leads to order (zhi 治) if the right men (REN) are put in charge of implementing it. But the same method can equally lead to chaos when the wrong men are put in charge.

“In general, the same method (FA) leads to order if the right men (REN) are put in charge, and to chaos if the wrong men are put in charge. The gentleman selects the right men (REN) and manages them properly.”

總之。同是一法。用得其人則治。用不得其人則亂。君子亦擇人而慎用之耳。

The method (FA), however, is just as crucial and fundamental for success. Only the right method (FA) leads to an accurate survey. The effects of the accurate survey will help in winning over popular sentiment in the end. The common people are usually suspicious of cadastral surveys because they fear that there will be corruption involved and the results will therefore turn out to be unfair and to their disadvantage. However, the people will change their assessment when they start enjoy the effects of the policy, which can be reaped after a few years if the policy is performed in accordance with the right method (xing zhi you FA 行之有法).

“The simple-minded common people, for that matter, will rejoice after the successful completion of the survey, but they will be suspicious in the beginning. If even Confucius and Zichan¹ could not avoid being attacked during the initial phase after the introduction of new policies, why should lesser men be able to avoid it. But if the policy is implemented in accordance with the right method (FA), a favorable public opinion will emerge in a few years time.”

至于愚民。可與樂成。難與慮始。孔子與子產。尚不能免初政之謗。况他人乎。苟行之有法。則一二年間。公論自出也。

While Lu Shiyi presents a general account of the importance of choosing the right men (REN) and methods (FA) in the first essay, the second essay presents the method (FA) that Lu regards as perfect for effective cadastral surveying in some detail. In the beginning of the second essay, Lu underlines

¹Courtesy name of the statesman Gongsun Qiao 公孫僑 († 522 BC) from the state of Zheng 鄭. Zhuang & Guo (1991), p. 31.

again the importance of not only choosing the right method (FA), but also putting the right men in charge (REN) for the success of cadastral surveys. If either one is not given, the survey is likely to negatively affect the people because it produces false accounts of land possession, which leads to an unfair assignment of tax liabilities. The common people in general fear cadastral surveys much like they fear natural catastrophes or marauding troops because they associate them with harassment by corrupt functionaries. Corruption can occur if the cadastral survey proceeds without any predetermined method (FA) in the first place. It can also occur when men (REN) subvert the orderly application of the method (shangxia qi shou 上下其手). Incompetent magistrates, corrupt functionaries, powerful local families and even common people interested to tweak the survey to their own advantage can hamper the efficacy of the method. As the central government cannot hope to monitor all these men at once, the local magistrates play a most crucial role, Lu argues. If the magistrate positions are filled with the right men (REN), the survey has a great chance of succeeding. Zhu Xi and Hai Rui 海瑞 (1514–1587) conducted successful surveys when acting as magistrates in Fujian and Jiangxi province. The cadastral surveys conducted under Wang Anshi, on the other hand, famously failed because Wang did not appoint the right men (REN) as magistrates. However, Lu points out, competent magistrates are no guarantee for the success of the survey. If the method is not easy to monitor, the local assistants and sub-official functionaries may still subvert it and report false information. The cadastral surveys conducted in Hai Rui's home province Hainan failed although the retired Hai Rui himself provided counsel about the methods to local magistrates. The reason was that the responsible supervising officials "lacked a good method (FA) for monitoring" 上司催督無法 the proper implementation of the policy, so that the assistants and sub-official functionaries in charge of conducting the survey engaged in fraudulent practices such as tweaking the measurements in exchange for bribes, to the considerable detriment of interest of the common people.

Lu Shiyi presents a surveying method (FA) that addresses the two critical points of finding able magistrates and of monitoring assistants and sub-official functionaries to prevent them from engaging in corrupt practices. He credits Zhang Zai 張載 (1020–1077) with the invention of the method. Lu concedes that the method is also associated with Wang Anshi's failed attempt to reform the inequalities of the fiscal system of the Song. But apart from appointing the wrong men into local administration, Wang Anshi had only understood the broad outline of the method and missed important details, insists Lu. The central principle of the so-called square-field (fangtian 方田) method is to divide the county (xian 縣) land into squares with a side length of 1000 feet (bu 步). The large squares are subdivided into smaller squares with a side length of 100 feet. These squares function and their base area of 10,000 and 1,000 ancient mu 畝 serve as control units for the measurements of the fields that lie inside. The corners of the large square are marked with stone poles, while the corners of the small squares are marked with wooden poles with a stone base. This job is performed by the local sub-official functionaries. The measurements are taken by a team of local elders and other trustworthy men, and checked against the information provided by the field owners.

Manipulation of measurements and assessments by corrupt functionaries has been the common ill of cadastral surveying throughout history, says Lu. The great advantage of the fangtian method, Lu emphasizes, is not much opportunity for lower-level corruption and manipulation. The inner logic of the method makes it easy to detect abuse by any one of the parties involved. For example, the only job of the sub-official functionaries related to the survey is to set up the poles marking the corners of the measuring squares. Their only opportunity for manipulation for the sub-official functionaries would be to shift the poles. But this is easily detected by the magistrate, and it also does not really provide anyone with any particular advantage, which is why nobody would bribe the functionaries for doing so. The method is likely to work even under magistrates of “average talent” 中才. This immunity against corrupt functionaries and its robustness to work even under averagely talented magistrates makes the fangtian method the “most perfect method (FA) of all times” 古今以來至妙之法.

Yan Jian 顏檢 (1757–1833), governor-general of Zhili province, appeals to the Daoguang emperor in 1822 to revoke the endorsement of a proposal by the administration commissioner of Zhili, Tu Zhishen 屠之申 (fl. between Qianlong and Daoguang reign), to merge a special labor-service tax, the *chaiyao* 差徭, into a universal surtax on the land-tax.¹ The essay is part of a debate on the reform of the *chaiyao* in Zhili during the early Daoguang reign that is documented in the *Qingshi gao* 清史稿 (Draft History of the Qing).² Yan Jian and Tu Zhishen were leading figures of the two oppositional reform parties that proposed different strategies for the reform of the *chaiyao*. The *chaiyao* was an informal fee that comprised both labor services, material goods such as carts, horses, and fire wood, and monetary fees exacted from the population.³ Due to Zhili's proximity to the capital, the emperor, metropolitan officials and the military frequently passed through Zhili, which placed a considerable financial burden on the districts. The goods and services exacted from the population in Zhili in the form of *chaiyao* province were therefore quite considerable. The radical reform party criticized that the irregular services, goods and fees exacted as *chaiyao* were not distributed equally and that they generally placed a higher burden on poor and middle-income households than on the wealthy gentry. They therefore advocated to convert the *chaiyao* into a fixed surcharge per mu on the land tax to be paid by everyone, without exemptions granted to any members of the gentry. The conservative reform party, lead by Yan Jian, opposed such a change in regulations (FA) and advocated to focus on the men in charge instead (REN) and prosecute and punish abuse more harshly. So instead of changing the regulations (FA), men (REN) should be changed by recruiting more responsible officials and by sanctioning infringements of the regulations (FA) more consistently. The other main argument of the conservative party was to discredit the reform proposal of the radical reform party as a trick to increase the taxes and therefore impermissible, a point that both parties discussed in terms of MING and SHI.

Tu Zhishen had motivated the reform as protecting the people from uncontrolled exactions on the

¹HCJSWB, 33:19a–22b.

²QSG, 121:3548. For an overview of the debate see also Zhou (2007), pp. 23–51.

³Zhou (2007), p. 2.

part of the bureaucracy. Yan argues that the reform does not address the actual defects that lead to excessive tax burdens for the common people, and that it will, on the contrary, have negative side-effects. He advocates keeping the current historically grown system that allows for the amount of the labor-service tax to vary flexibly across the province and enables officials to strike a balance between their budgetary needs and the financial situation of the people. This system had recently fallen into disarray because magistrates lacking empathy for the people had increased labor-service demands and failed to control their functionaries, who started exploiting the population by exacting surcharges. Converting the labor-service tax into a universal surcharge on the land tax does not address this defect, though, Yan argues. The current system charges some people according to their possession of land, some according their possession of draft animals, and some on a per-household basis. The universal surcharge on the land tax frees merchant households from all liabilities and places the full burden on peasant households instead. Moreover, in some districts magistrates have trouble collecting the whole land tax in time already. Raising the land tax would exacerbate this problem. When the emperor grants tax reliefs on the occasion of natural disasters, magistrates would be deprived of all sources of income, as they would not even be able to call people to perform labor service, Yan argues. What Yang also argues is that the unfairness of the current system is not just the result of magistrates excessive labor-service demands. Another source of unfairness is the fact that tax-exempt gentry households use tricks to win tax exemptions for their friends and relatives or even establish a tax-farming business. As the proportion of tax-exempt households grows, the burden on the remaining households increases.

Having brought forward his arguments against Tu Zhishen's reform proposal, Yan insists that "it is REN who order the country, not FA". Zhili should keep the current flexible system and at the same time make sure that "the right men (REN) are put in charge" 得人 and properly monitored. The circuit and prefecture level yamen administer the flexible system and dispatch representatives who monitor the exaction of the labor-service tax at the district level. Magistrates who display empathy for the people and manage to impose the labor-service on a fair and appropriate basis are to be encouraged by earmarking them for promotion. Functionaries who exact horrendous surcharges are to be immediately reported and sentenced. The same applies to members of the gentry engaging in tax-farming.

In a memorial written in 1724, Gao Chengling 高成齡 (1668–1748), administration commissioner of Shanxi province, provides a remarkable reinterpretation of Xunzi's dictum that "it is men (REN) who order the country not regulations (FA)", and thereby offers an example of an "articulate members of the discourse community" able to draw on idioms that were "part of the common ground" of political-economic discourse and "in ways that contested the very assumptions they were conventionally resumed to convey".¹ With the memorial, Gao reacts to a proposal of the Grand Secretariat (neige 內閣) to revoke the regularization of the meltage fee (haoxian 耗羨) and disallow involvement of the provincial

¹Guy (2010), p. 357.

administration in its collection and disbursement.¹ Gao and the governor of Shanxi, Nuomin 諾岷 († 1734), had been the chief proponents of the policy of “returning the meltage fee to public coffers” 耗羨歸公 in 1723, the first year of the Yongzheng reign.² The policy regularized the haoxian, which had been collected in an unregulated manner prior to the Yongzheng reign, by transforming it into an officially sanctioned surcharge on the land tax to be collected according to a fixed official quota in the districts. Once collected, the meltage fee had to be remitted to the provincial treasury. The provincial treasury would paid the magistrates a part of the meltage fee back in the form of yanglian 養廉 (“encouraging honesty”) payments.

Gao insists on leaving the management and redistribution of the meltage fee in the hands of the provincial high officials. The provincial high officials have to meet the same additional expenses to support their families and pay the salaries of their secretaries as other officials. Were they deprived of the funds from the meltage fee, the less scrupulous will demand their share in form of monetary gifts (jieli 節禮) which their subordinates will have to present on every imaginable occasion. The scrupulous officials who abstain from the gift economy will be drained of funds to conduct their official business. The requirement to directly pass the meltage fee collected on the district level on to the provincial treasury, on the other hand, also prevents the magistrates from illegally collecting a higher fee than stipulated.

A further use of the meltage fee at the provincial level established by Nuomin is the maintenance of a backup fund for the compensation of financial deficits (kuakong 虧空) in the budgets of the various yamen. Deficits arise when officials use funds for other purposes than the ones intended, or due to embezzlement. If the private property of the liable official is not enough to compensate for the deficit, the earmarked funds from the meltage fee can be used for that purpose. This is much better than the practice of requiring all magistrates to jointly compensate for a financial deficit they are not responsible for, Gao points out. The whole process must be clearly documented so that the provincial high officials cannot fabricate a deficit in order to privately profit from the earmarked funds. Provincial high officials are required to submit detailed annual reports about the amount of huohao collected and the purposes they plan to spend it on, notably the level of yanglian payments, expenditures of the provincial yamen and funds needed to close financial holes. This kind of financial disclosure requirements render the invention of cost items meaningless because they cannot be pocketed: “If they cannot deduce even the slightest amount under a pretext and have no other way to obtain illicit funds, why would they take the trouble to pretend a financial gap in the hope of retaining payments?” 既無絲毫假借，又無分釐染指，何至有假捏虧空，希圖幫銀。

The new way of managing compensation of financial deficits is less dependent on the integrity of the provincial high officials. Gao quotes the Xunzi dictum of “men (REN) who order the country not regulations (FA)” to point out the negative consequences of having men in charge of managing the huohao, but not putting related guidelines in place to regulate their actions.

¹HCJSWB, 27:4a–5b.

²Wang (1884), pp. 530, 3270

“The loopholes that existed previously arose because it was men (REN) who ordered the country, not regulations (FA).¹ It was quite possible for a dishonest superior official to invent costs in order to retain more yanglian payments than needed and use them for his own private purposes.”

如從前之弊竇乎。惟是有治人。無治法。倘或上司不肖。借名提解。自便其私。

In Gao's reading, Xunzi's dictum is not a general truth, but an undesired state of affairs which needs to be counteracted by proposing regulations or institutions (FA) that leave minimized opportunities for abuse. Gao attributes the dependence on men (REN) to imperfect regulations that contain loopholes which dishonest men can abuse. Upon reversion, Gao implies that the regulations (FA) that he and Nuomin have designed do not contain such loopholes and are therefore the basis of effective fiscal policy.

In the early Qianlong reign, a debate as to whether the policy of “returning the meltage fee to public coffers” should be discontinued and districts should revert to their informal fee systems flared up again. A memorial written by the governor-general of Huguang, Sun Jiagan 孫嘉淦 (1683-1753), in support of the policy of returning the meltage fee to public coffers in 1742 was part of this debate. Sun wrote the memorial in response to an imperial edict inviting high officials of the metropolitan and provincial administrations to submit suggestions on how to deal with the defects of the haoxian policy.² In 1842, the year in which Sun Jiagan wrote his memorial, the Qianlong emperor concluded that the majority of contributions to the debate had been in favor of the debate, and that the haoxian would therefore continue to be levied as a regularized tax. The memorial breaks with the mainstream conventions of citing an idiomatic use of the REN-FA in a similar way like Gao Chengling. Sun critiques emphasizing “reliance on men (REN)”, that is, putting men in charge who are unlikely to become corrupt, so much that “reliance on regulations (FA)”, establishing regulations that are unlikely to be abused, gets neglected.

In the first part of the memorial, Sun expounds on the intention of the policy to contain excessive exaction of informal surcharges by regularizing the fee. Sun rejects the argument that the regularization of the meltage fee represents a tax increase (jiafu 加賦). These arguments employ the MING-SHI polarity and are discussed in chapter 4.1.3. In the second part of the memorial, Sun acknowledges that the policy is causing problems. He argues that it is not the original policy that is causing the problems, however, but a later revision of the regulations, and suggests how to solve the issue. Sun's rejection of the arguments of the opponents of his proposal employs the REN-FA polarity. Where Gao interprets “it is men (REN) who order the country not regulations (FA)” as a characteristic of an unstable state of affairs rather than as a general truth, Sun critiques emphasizing “reliance on men (REN)” so much that “reliance on regulations (FA)”, gets neglected.

¹There were men in charge managing the huohao, but no guidelines in place to regulate their actions.

²HCJSWB, 27:6a–9b.

Sun Jiagan argues that the policy of returning the meltage fee to public coffers started to show defects when an important stipulation of the original policy was scrapped. This stipulation stated that the regularized haoxian was not to be treated as part of the land tax and had therefore not to be remitted to the central government. Shortly after the regularization of the haoxian, the Yongzheng emperor had ordered that the haoxian funds remain with the province where they could be flexibly used to provide for local expenses, so as to grant the provincial and sub-provincial some financial leeway. The emperor's rationale that the provincial needed a certain degree of financial autonomy and would start to levy informal fees in order to gain it otherwise. This stipulation was confirmed in 1726, when the court intervened in support of the governor of Henan, Tian Wenjing 田文鏡 (1662–1732), who had complained that the Board of Revenue had interfered in his decisions on how to spend the haoxian.

In 1735, the year of the Yongzheng emperor's death, however, an imperial edict retracted from the policy in reaction to alleged financial mismanagement on the part of some governors-general and governors. The edict ordered that the regularized haoxian had to be remitted together with the land tax from now on, and that local spending had to be approved by the Board of Revenue. This led to what the earlier policies had meant to prevent. Officials who did not get their budget approved started to levy the lacking funds in the form of customary fees from their subordinates. The customary fees translated into rising informal fees exacted from the population at the lowest level, the "levying of haoxian on top of the haoxian" 耗外加耗之弊.

Sun's solution to the problem is to revert to the initial policy of allowing the provincial administration to manage the haoxian funds autonomously. Sun cites opponents of his suggestion with the argument that this removes the only means available for the center to check corrupt governors-general and governors. He counters the objection by suggesting that it is based on an erroneous line of reasoning.

"Don't they realize that this policy still amounts to relying on the virtue of the men in charge (REN), instead of relying on sound regulations (FA)?"

不知此在任人不在任法。

For Sun it seems obvious that good government is characterized by reliance on sound regulations (FA) which make it comparatively easy to monitor the men in charge (REN) and check abuse. Relying on REN is wrong because it makes the quality of government dependent on the quality of the REN in charge. The current policy is completely dependent on the integrity of the provincial high officials (REN), who can embezzle funds by transmitting false reports to the center. If a governor-general or governor is upright, he will not engage in corrupt practices, even if he is not required to report to and have his budget approved by the Board of Revenue. If he is corrupt, on the other hand, he will engage in corrupt practices and find ways to tamper with the financial reports presented to the Board.

The regulations (FA) Sun proposes to avoid "reliance on men (REN)" build on the assumption that embezzlement of haoxian funds is only possible in provinces which have a surplus of haoxian after deducting administrative expenses. If a province is short of funds even after the haoxian has been added

to the budget, there is no chance of embezzlement. The Board can use the information it has gathered since the early Yongzheng reign on which provinces have surplus haoxian and order a reduction of the haoxian levied in these provinces. This has the triple advantage of letting the people enjoy the benefits of light taxes, depriving the governor-generals and governors of the opportunity to embezzle funds, and creating less work for the Board of Revenue, “it makes an optimal regulation (FA)” 其法乃益盡善.

In 1864, Guo Songtao 郭嵩燾 (1818–1891), governor of Guangdong, writes in favor of continuing the levying of the lijin introduced to fund the provincial armies established to suppress the Taiping Rebellion (1850–1864).¹ Guo cites with positive connotations the two idioms which Gao Chengling and Sun Jiagan had referred to as descriptions of undesirable circumstances. Gao had used to Xunzi’s “it is men (REN) who order the state, not regulations (FA)” as a reference to legal loopholes or weaknesses that provide officials with opportunities to commit abuse. Guo cites it as evidence that institutional efficacy is completely dependent on the men in charge (REN), which legitimates the continuation of the lijin tax although it does not qualify as perfect example of a benevolent policy. Sun had referred to “reliance on men (REN)” instead of “reliance on regulations (FA)” as a description of an undesirably high dependence of institutional efficacy on the integrity of the men in charge (REN). flexible adaption of the details of central regulations to local circumstances by the men in charge (REN) leads to fairer outcomes.

Guo writes at a time when the lijin had become the greatest source of revenue for the provinces and was soon to become an important source of revenue for the center. In the first part of the memorial entitled Detailed discussion of the origins of the lijin and the arguments for and against it (Xiangchen lijuan yuanliu libi shu 詳陳釐捐源流利弊疏), Guo contrasts the lijin with its predecessor policies in the Zhou, Han and Tang dynasty, concluding that the Qing lijin is much more effective. The Taiping uprising necessitated the establishment of provincial armies because the imperial troops proved not match for the Taiping army. Today’s lijin is put to better use than the lijin of the Han, Tang and Song dynasties because it is used to better effect: “In the Han, Tang and Song dynasty, the people are taxed heavily, but the benefits were small. Today, the people are taxed moderately, and the benefits are great” 然而漢唐宋取之民者多。而為利反少。今取之民者約。而為利反多者。 The reason was that in the Han and Tang, legislators imposed a complicated set of rules to protect the people from arbitrary charges. Notably, magistrates had to levy the lijin according to a fixed standard (dingfa 定法). Apparently levied as a fixed duty, the standard did not pay heed to the general level of wealth of the merchants in the regions and whether there was a lot of commerce at all. While the magistrates were held accountable for observing the standards, the sub-official functionaries went comparatively unchecked and could charge more without being held accountable. Nowadays, the lijin is not levied as a fixed amount or according to a set method. Both the quotas and the method can be flexibly adjusted to every location. Guo calls this flexible adaption to local circumstances as successful application of the principle of “relying on the

¹HCJSWXJ/RAO, 26:37a–41b; HCJSWXB/SHENG, 56:32a–39b. For a discussion of a joint memorial by Mao Hongbin and Guo Songtao from the same year that repeats several of the points made in Guo’s memorial, see Mann (1987), pp. 100–102.

men in charge (REN) not on regulations (FA)” 任人不任法。

In the second part of the memorial, Guo sets out to discredit a number of common arguments for the abolition of the lijn, namely that the lijn harms commerce or discriminates against the merchant class, that it endangers the people's livelihood, that most of the lijn is embezzled. Guo's strategy is not to outrightly dismiss these arguments but to considerably play down their significance in light of the important role the lijn for domestic security. He argues that the lijn only deprives merchants of 1-2% of their profits. While the burden may be slightly critical for merchants in the provinces hit hardest during the rebellion, the policy is moderate compared to the oppressive treatment of merchants in previous dynasties. Guo points out that popular protests against the lijn are instigated by troublemakers. Giving in to popular sentiment and abolishing the lijn in these cases would mean to leave the provinces to rebels and bandits, which is not an option. Embezzlement (zhongbao 中飽), Guo points out, can never be completely eradicated, but the lijn administration is characterized by a significantly lower degree of corruption than other parts of the bureaucracy. With regard to the argument that the population needs time to recover from the destruction wrought by the uprisings and the suppression campaigns, Guo retorts that the lijn is a progressive tax designed so that everyone is only taxed the amount he can spare. Raising funds to send in armies that suppress the remnants of the Taiping rebellions is the best means of providing the population with a chance to recover. Regions like Shanghai and Hunan are actually able to shoulder a major portion of the tax. Another reason why the lijn works much better than in the Han and Tang is that it is levied in a more uniform way, and that it is levied by members of the gentry (shenyuan 紳員). The gentry has regular contact with merchants and can therefore better adapt the tax to merchants' needs. That the lijn has been levied for several years now without significant abuse “can be credited to the men (REN) who are implementing the policy (FA), and also to the fact that the policy (FA) is rather good” 存乎用法之人而法亦稍良矣。

In the third part of the memorial, Guo discusses why there still is a need for the lijn. Guo argues that the danger of rebellion is still real, as remnants of the Taiping armies have gone into hiding in the border regions of Jiangxi, Fujian and Guangdong. Guo attacks those stirring popular resentment and organizing protest against the lijn. He accuses them of taking advantage of the natural tendency of the people to cling to their personal property, while in fact not caring about the long-term protection of the people against rebels and bandits. Guo cites the Xunzi's dictum that “it is men who order to country, not regulations” to emphasize the responsibility of the governor-general and governor to reign in corruption.

“Since antiquity it has been men (REN) who order the state, not regulations (FA). If the right men (REN) are put in charge, then even faulty regulations (FA) will not create much disturbance. If the wrong men (REN) are put in charge, then even tax deferrals, tax exemptions and such supposedly beneficial policies as the baojia system and community granaries can be abused and create problems.”

自古有治人無治法。苟得其人。雖稗政亦無所擾。苟非其人。則緩征蠲賑。及

一切保甲社倉之美政。皆足以滋弊端。

As evidence, Guo cites two examples of successful action taken against corruption in the regions with the highest degree of embezzlement, the provinces north of the Yangtze river and the province of Guangdong. The role of the “men in charge” (REN) is not to rule arbitrarily, but to create local standards according to which the policy (FA) is to be implemented: the high level of corruption was due to a lack of procedural rules (zhangcheng 章程) alone, Guo says. In the Jiangbei provinces, corruption was significant among the officials and gentry involved. A determined circuit intendant brought back the discipline and stopped the abuse. In Guangdong, it were the merchants themselves profiting illegally. Guo Songtao himself worked out a strategy to solve the issue.¹

Guo draws on the REN-FA polarity in each of the three parts of the memorial. For him, “realizing the principle of relying on men (REN), not on regulations (FA)” 得任人不任法之意 does not mean to do without regulations (FA) but to entrust local men (REN) with the flexible local determination of the quota and the collection modalities. This will ensure merchants taxed in a way that does not seriously hurt commerce in the individual regions but generates sufficient income for the state, Guo says. It also helps to ward off the “constant temptation to maladministration invited by legalistic methods”, as Mann (1987) suggests.

“Because the lijn was not administered according to laborious, detailed regulations, its administrators escaped (the memorial alleged) the constant temptation to maladministration invited by legalistic methods. If local officials had no quotas to meet, it was argued, they would make no effort to overfulfill them by squeezing the people in rich areas, or by attempting to extract the impossible in poor areas.”²

In a memorial most probably written during his term as governor of Hunan province (1861–1863), Mao Hongbin 毛鴻賓 (1806–1868), an advocate of the lijn tax like Guo Songtao, opts to continue the Hunanese practice of appointing members of the local communities (weiyuan 委員) to manage the collection of the lijn instead of putting local officials in charge. Mao employs the REN-FA polarity to reason about the role of the human factor (REN) in institutional (FA) efficacy and the strategy that minimizes the risk of abuse of institutions by men.³ Mao questions the ability of the local officials (difang guan 地方官)⁴ to “stop abuses and raise moral standards” 弊絕風清. The officials put in charge may be just as corrupt as the appointed members of the local community. They may also be upright, just as the appointed members of the local community may be upright. But weighing the risks involved in each of

¹It must be noted that Guo Songtao’s counterarguments are slightly removed from the facts. For example, lijn riots were not as infrequent as the memorial would have it, and complaints about “extortionist” lijn functionaries, especially in Guangdong and Jiangbei, were increasing. See Mann (1987), pp. 101–102.

²Mann (1987), pp. 100–101.

³The memorial is included in the HCJSWXJ/RAO, the HCJSWXB/GE and the HCJSWXB/SHENG, a sign that all three editors attached importance to Mao’s position and reasoning. HCJSWXJ/RAO, 26:3a–8b; HCJSWXB/GE, 25:3a–4a; HCJSWXB/SHENG, 56:26a–31b.

⁴This usually refers to the lowest levels of the bureaucracy, magistrates and sometimes also prefects.

the two options (management by officials vs. management by appointed locals) against each other, the management by locals emerges as the choice involving lower risks.

“There are no regulations (FA) that cannot be abused, so the main concern should be to find men (REN) who abide by the regulations (FA). If the right men (REN) can be recruited, they can be appointed members of the local community or local officials, it does not change the fact that they are men of integrity. If the wrong men (REN) are recruited, they can be appointed members of the local community or local officials, it does not change the fact that they are corrupt. But abuses committed by local officials are worse than those committed by appointed members of the local community.”

天下無無弊之法。惟貴有守法之人。得其人則歸委員可也。歸地方官亦可也。不得其人。則委員有弊。地方官亦有弊。而地方官之弊更甚於委員。

Mao associates incorruptibility with the adherence to the regulations (FA). He does not attribute officials more moral vigor in this respect than the members of the local community. Mao emphasizes the agency of men (REN) in complying with the regulations (FA) or neglecting the regulations. The crucial question in deciding whether to put officials or members of the local community in charge for Mao is the harm done if men fail to comply to the regulations and act in the public interest. Mao regards abuse of the regulations by officials as more critical than abuse of the regulations by the common people, probably because officials have more means to cover up their own deviant acts and because there is nobody there with equal status on the local level to check their power. Mao therefore opts to put locals in charge of the collection of the lijin because the effects of their potential abuses can still be contained by the officials. He thereby relativizes the moral superiority of officials over the (gentry) members of the local community.

2.5 Granaries

This subchapter looks at writings on state-run ever-normal granaries (changpingcang 常平倉) and state-policed community granaries (shecang 社倉) included in the statecraft compendia that discuss problems that compromise the efficacy of these granaries with REN and FA.¹ The writings conceptualize institutional efficacy as interplay of men or, more abstractly speaking, human factors (REN) and regulations (FA). “Nourishing the people” (yangmin 養民) and securing their basic subsistence was one of the *raisons-d’être* of the Qing state. The major functions of state-run and state-policed granaries were the provision of seed credits, the provision of famine relief and the regulation of the market price for grain. Their main socio-economic function was to preserve the social peace within the local community, to protect the life and possessions of the wealthy by securing the livelihood of the poor (an pin bao fu 安貧保富), and thereby prevent the social fabric from unraveling.²

Ever-normal granaries were intended to keep the grain price at a reasonable, “ever-normal” level all year round by selling grain to local residents at a price lower than the market rate in spring, when the grain price was high. The ever-normal granaries could replenish their stocks in autumn after the harvest, when the market prices were low. Ever-normal granaries could also grant interest-free grain credits during famines. Despite being a great idea in theory, the ever-normal granaries could not always be operated smoothly. The administration of the granaries was in the hands of the local magistrates. Magistrates had to coordinate every step with their superiors, which introduced delays. They had to report price and quantity of every sale and to their superior and also turn over funds obtained from the sale to the provincial treasurer in spring. In autumn they had to report quantity and price of the grain they intended to purchase, after which the approved funds, often less than the required amount, were transferred back for them to make the purchase. Oftentimes the delays introduced by the communication, transferring of funds and inspection visits by the prefect were so long that prices were up again before a purchase could be made. Granaries were usually located in the county seats and branch granaries, though warranted in theory, were seldom established so that the population living at a distance could not directly benefit from cheaper prices. Another problem was embezzlement of stocks by officials and sub-official functionaries. Furthermore, government students, runners, and grain brokers, with the cooperation of the clerk in charge of the granary, often bought large quantities of grain under different false names. The clerks managing the transfers might demand fees from people selling or returning grain. Magistrates might force residents to sell grain at a lower-than-market rate or force residents to

¹The HCJSWB contains two chapters on granaries (cangchu 倉儲) with forty writings. The topic does not receive as much attention in the HCJSWXJ/RAO and the HCJSWXB/GE which both only include eleven writings on granaries. The HCJSWXB/SHENG contains thirty-three writings. See Ch’ü (1962), pp. 156–159, for a general introduction of granary policies on the county level. Will & Wong (1991) discuss the operation of ever-normal granaries between 1650–1850 and the practical difficulties that beset the system. Rowe (2002), pp. 250–287, introduces ever-normal and community granaries in the context of the activism of the exceptional statecraft official Chen Hongmou. Dunstan (2006) describes the debates that marked the transition from the state interventionism of the Yongzheng emperor in provisioning activities to minimized state involvement of the young Qianlong emperor.

²See, for example, the essays by Liu Ruliao and Wei Xi discussed below.

borrow grain who did not need it in order to please their superiors.¹

Community granaries were conceived as the counterpart institutions of ever-normal granaries. Their main purpose was to lend grain at no or low interest instead of selling it. They were managed by the local elite instead of being state-run. They were smaller in size but located not just at the county seats but also in the hinterland. They were to be stocked primarily by voluntary donations from the local community. The director was nominated by the local community and confirmed by the magistrate, who also supervised the operation of the granaries. Stocks had to be regularly inspected and replaced to prevent mildew.² In the first century of the Qing dynasty, the director of the Board of Revenue, Zhang Boxing 張伯行 (1651–1725) and the governor of Zhili, Li Guangdi, both Zhu Xi partisans, were leading champions of the community granaries. Both Zhang Boxing and Li Guangdi invoked Xunzi's "it is men (REN) who order the country not regulations (FA)" in the arguments they brought forward in favor of the policy.³ While the Kangxi and the Qianlong emperor were skeptical of the model, the Yongzheng emperor promoted the establishment of community granaries. Ch'ü (1962) doubts that the system was ever effective on a larger scale. Liu (1980) suggests that the granaries were moderately successful prior to 1800, a point after which the system started to gradually deteriorate, especially after 1850.⁴ Rowe (2002) conveys the impression that most provincial officials, except Chen Hongmou, were having difficulties keeping the granaries operable. The system was definitely hard to maintain and provincial high officials frequently submitted complaints to the emperor that they were having a hard time to maintain the granaries.⁵

In the writings discussed, the term FA is translated as "regulations" where appropriate, or, where FA refers to a specific set of regulations, as "model". The emblematic models referred most often in the writings on granaries are Wang Anshi's "Green Sprout" program (qingmiaofa 青苗法) and the community granary program associated with Zhu Xi. The "Green Sprout" program was an initiative to provide seeds or seedlings to peasants in the form of credits at interests lower than customary usury. Community granaries were established from the 1150s onwards by Neo-Confucian scholar-officials. After the end of the Song dynasty, the community granaries were chiefly identified with Zhu Xi. Zhu Xi had initially only played a secondary role in the institutionalization of the granaries by his contemporaries, but he was certainly an advocate of the granaries as an opportunity to engage Confucian literati in social action and showcase the value of Confucian leadership for the community. Under pressure of his intellectual peers that suggested similarities of the program with Wang Anshi's discredited "Green Sprout" program, Zhu Xi rushed to explain the ostensibly marked differences of their operational principles in

¹Ch'ü (1962), pp. 157–158.

²Ch'ü (1962), p. 158–159.

³For Li Guangdi's use of the REN-FA polarity, see the discussion of one of his essays below. Liu Ruqiu 劉汝璆 (fl. Xianfeng reign) quotes Zhang Boxing using Xunzi's phrase in replying to the Kangxi emperor's doubts whether state-policed community granaries were feasible. Liu's paraphrase of the quintessence of Zhang's reply is that "since antiquity, benevolent government has depended on the men in charge (REN)" 則知古來仁政存乎其人. HCJSWXJ/RAO, 40:11a–b.

⁴See the discussion of the efficacy of state-managed and state-initiated granaries during the Qing dynasty in Liu (1980).

⁵Rowe (2002), p. 274.

the Jinhua shecang ji 金華社倉記.¹ In the key passage of the Jinhua shecang ji, Zhu Xi points out five differences between the communal granaries and the “Green Sprout” program.²

1. Lending of grain vs. lending of cash
2. Establishment of a decentralized network of granaries in the villages vs. establishment of one central granary located in the county seat
3. Management by the local elites vs. management by officials and sub-official functionaries
4. Main objective of enhancing the welfare of the peasant population vs. enriching the state; manifesting in voluntary borrowing according to the individual household’s needs vs. regular compulsory borrowing irrespective of needs
5. Interest charged in grain vs. interest charged in cash

The passage became a much-cited mantra in writings on the topic and Wang Anshi’s program, as represented by Zhu Xi, came to serve as negative example of how not to institutionalize granaries thenceforward.³

This subchapter discusses twelve writings on state-run and state-policed granaries. The focus is on eight writings from the HCJSWB, complemented by a shorter discussion of four writings from the HCJSWXJ/RAO, HCJSWXB/GE and HCJSWXB/SHENG. The writings selected from the HCJSWB and discussed in detail below date mostly from the early Qing. The essays by Li Guangdi, Huang Liuhong, Lu Shiyi, Liu Wen and Wei Xi were written during the Kangxi reign (1661–1722). Li Fu’s essay was probably written during either the Kangxi or the Yongzheng reign (1723–1735). Sun Hao’s memorial dates from the early Qianlong reign (1735–1796) and Zhang Haishan’s essay from the early Daoguang reign (1820–1850). The four writings from the HCJSWXJ/RAO, HCJSWXB/GE and HCJSWXB/SHENG date from the Daoguang reign and later.

The basic problem constellation presented in the writings is that state-run or state-policed granaries are not effective. The intended effects of the granaries stand in sharp contrast to the actual failure of granary policies. The granaries do not fulfill the functions they were intended to fulfill, be it to prevent the population from starvation by providing famine relief, to secure the livelihood of the peasant population by granting grain credits, or to secure the people’s livelihood in general by stabilizing crop prices through official grain trade. The granaries do not benefit or may even harm the people they are intended to benefit. At the same time, they benefit people who profit from the granaries through illicit means.

¹Tillman (2004), pp. 126–127.

²Zhu (n.d.), p. 2880.

³See, however, Lu Shiyi’s essay discussed below that does not regard the “Green Sprout” program as a bad model per se, and Huang Shisan, who regards both options as equally impracticable under realistic circumstances.

From the analysis of the defects and solutions proposed to remove these defects speaks the belief of most authors that the institutions can be operated successfully.¹

The writings discussed characterize the relationship between men (REN) and regulations (FA) as complementary. Part of the writings highlight the role of regulations (FA) and propose entire institutional blueprints or specific regulations for a more effective operation of the granaries. Lu Shiyi's and Wei Xi's writings discussed below are good examples. Both authors emphasize robustness against abuse as principal criterion of good regulations (FA). Lu regards Xunzi's dictum that "it is men (REN) who order the state, not regulations (FA)" as the description of an imperfect and ultimately undesirable state of affairs, the heavy dependence of institutional efficacy on the integrity of the men in charge.² Wei Xi points out that regulations should establish checks between the different parties involved in the operation of the granaries that make it hard to commit abuse.

Other authors put more emphasis on the agency and competence of the men (REN) involved in the operation of the local granaries, mostly officials or members of the local community charged with specific managerial tasks, for example Li Guangdi, Li Fu and Zhang Haishan. Li both proposes a number of regulations (FA) and emphasizes the need for supervising officials to monitor the men (REN) operating the granaries and sanction infringements. Li Fu argues that Zhu Xi's and Wang Anshi's granary programs were both good models (FA), but both depended very much on the men in charge (REN) of operation. Zhang Haishan emphasizes the role of the men in charge (REN) to argue for mobilizing the members of the local communities by putting them, instead of officials, in charge of granary management (compare Mao Hongbin's similar argumentation in chapter 2.4. It is important to note that the objective of the argument that regulations and institutions (FA) are never entirely immune from abuse and that trustworthy personnel (REN) must be put in charge is not to do away with all procedural rules and regulations and let the granary personnel or the magistrate operate arbitrarily. It is to defend specific favored granary models against objections that they are vulnerable to abuse.

All of the writings both advocate specific models or regulations (FA) and regard the agency of men (REN) as essential in implementing the model and complying to its regulations. For an explicit statement of the simultaneous importance of both appropriate regulations (FA) and trustworthy and capable personnel (REN), see Huang Liuhong's and Liu Wen's writings discussed below. In general, authors who advocate changes to the existing regulatory frameworks according to which the state-run or state-initiated granaries are operated tend to emphasize the role of FA more than authors who just advocate the continuation or reestablishment of the granaries. Emphasis on the role of men (REN) is at the same time an emphasis of the duties these men are supposed to perform, such as choice of appropriate models and regulations (FA), control and oversight of sub-official functionaries and mobilization of the local community in the case of officials, operating the granary without embezzling funds in the case of sub-

¹There are a few writings in the compendia that regard the granaries as too interventionist, impractical and/or anachronistic, see, for example, Huang Shisan's essay discussed below.

²Compare with Gao Chengling's essay discussed in chapter 2.4.

official functionaries and appointed members of the local community. Their administrative aptitude is not so much defined as spontaneous administration through ad hoc solutions, but rather as taking the right decisions within the existing framework of regulations, managing the implementation of policies, and appointing and demoting key personnel. A special case is Sun Hao's memorial that points out that there are limits to (the average) men's (REN) capabilities and that the dictum that "it is men (REN) who order the country, not regulations (FA)" should not be used to defend policies (FA) that are not operable under the given circumstances.

The writings collected in the compendia of the self-strengthening period briefly discussed at the end of this subchapter present a similar spectrum of opinions as the earlier writings. Chen Tingjing and argues the granaries failed only because they were not operated according to Zhu Xi's regulations (FA). To counteract this implementation deficit, Li Zhaoxi calls for more careful selection of personnel and for harnessing the power of sanctions by connecting the granaries more closely with the evaluation of the magistrates (REN). Liu Shutang proposes a number of modifications to the regulations (FA) for the operation of the granaries. Huang Shisan finally regards all available granary models as too dependent on the availability of extraordinarily committed personnel (REN), and therefore opts to give up on the institution of public granaries altogether.

In "Advice to extend the storage system" 飭廣積貯牒, Li Guangdi advises on how to effectively establish and operate granaries in local communities. Li both proposes a number of regulations (FA) and emphasizes the need for supervising officials to monitor the men (REN) operating the granaries and sanction infringements. Li probably wrote the essay during his appointment as governor-general of Zhili province between 1698–1705. Li divides his policy suggestions into those concerning regulations (FA) and those concerning the human factor (REN). He lauds imperial edicts for urging magistrates to provide for local granaries, but also for underlining the need to closely supervise the operation of the granaries and investigate the reasons for failures.

"(The imperial edicts) are all earnestly committed to the operation of local storages among the people. But they also show concern that among officials there might be no men (REN) who can operate the institution (FA). And if the policy is not properly carried out, a facility that should have benefited the people just causes them trouble. This is why the herdsmen of the people (magistrates) should pay attention to and closely monitor the operation of the granaries. The task of supervision cannot be conferred to ministerial documents, this will only aggravate problems."

每以民間蓄積為拳拳。又慮有司奉法無人。推行不善則利民之事。適以滋擾。故宜使民牧講試以引其端。不可使部文督責以重其累。

Li's suggestions basically cover both points. He first makes a few recommendations regarding the

regulations (FA) and then points to three difficulties with respect to the men (REN) involved in the operation of local granaries.

In order to “benefit the people” in an optimal way, the granaries should be established in a decentralized way in the townships and villages. The granaries should be stocked with local grain, partly obtained through donations from the rich and partly obtained through a one-time obligatory charge per mu of arable land exacted from everyone. Management should be conferred to local people as well. The granaries should operate on a non-profit basis. When selling grain, the price should not be calculated without adding a profit margin. When lending grain, no interest should be charged, and if people are unable to pay back even the interest-free loan, debt cuts can be considered.

Li argues that the above regulations can make the granaries an effective institution, if they are adhered to. But this blueprint (FA) alone does not guarantee success. There are three difficulties that can arise with respect to the personnel involved in the operation of local granaries, and that the magistrate has confront.

“When the granary is established, it has to be ensured that the people cooperate readily and are not harassed by officials and functionaries. That is the first difficulty. During the operation (probably referring to lending and repayment), incorruptible and impartial men (REN) have to be appointed to direct the operations. Thorough checks and supervision by the magistrate are crucial here, otherwise there is bound to be much harm from infringements. That is the second difficulty. After operation (when there are no transactions and the stocks only have to be safeguarded), if the granary is entrusted to the people, supervision is difficult. If the granary is entrusted to officials, some of them can cause trouble (bullying the people). This makes good people reluctant to become directors, and the criminals will jump in as directors and abuse the power thus gained. That is the third difficulty. Due to these three difficulties, a ‘good model devised with good intentions’ (liang fa mei yi 良法美意) can give rise to abuse, and public and community granaries can become an empty designation.”

但行法之初。須使民樂從。無官吏抑勒之患。一難也。既行之際。必須得廉善公平之人。以司其事。此在有司察訪真確。否則徒為?蝕貽害。二難也。行法之後。付之民。則漫無稽察。責之官。則吏因騷擾。其弊至使良民不願管掌。而奸棍反用為市。三難也。有此三難。所以良法美意。或致滋弊。義倉社倉。徒空名而已。

The above difficulties can render the best model (FA) ineffective, which is why they have to be prevented by the supervising officials at the circuit and provincial level (REN). Li quotes Xunzi’s “it is men (REN) who order the state, not regulations (FA)”. The supervising officials must monitor and sanction the personnel at the district level to ensure the effective operation of the granaries. They should closely cooper-

ate with the local elite (xianshen qilao 賢紳耆老) and send obligatory annual reports to the governor-general reporting how successfully the difficulties have been tackled.

The Complete Book of Blessings (Fuhui quanshu 福惠全書) by Huang Liuhong 黃六鴻 (fl. 1653-1693) contains an essay on “Grain Storage” 積貯 included in the HCJSWB.¹ In the essay, Huang Liuhong argues that while it may seem that granaries are entirely dependent on the men (REN) who run and administer them, regulations (FA) also play an important role. Effective granary policy rests on putting honest and responsible men (REN) in charge and on establishing regulations (FA) which allow for effective monitoring. Huang calls the “system of grain sales at normal price” (pingtiao 平糶), ever-normal granaries and community granaries the best systems (FA) for state-managed grain reserves since the beginning of imperial times. Whenever they were established, the granaries were effective in the beginning, when they were managed by committed personnel (REN). They became ineffective and even harmful when subsequent generations of personnel (REN) turned the institution into an instrument for their own profit.

“After the Three Dynasties, there were no granary institutions (FA) superior to the system of grain sales at normal price, the ever-normal system and the community granary system. But they tended to be only effective in the beginning. After some time, they often became defective and failed. The founders (REN) implemented the institution (FA) with full commitment so that it operated smoothly and brought much benefit. Their successors (REN) used the institution (FA) to serve their own private interests so that it became defective and brought much harm.”

夫三代而下之言積貯。莫善於平糶常平社義諸倉之法矣。然而初行有效。久則弊壞者。蓋創始之人以實心而行良法。故法興而利溥。繼起之人以良法而濟私心。故法敝而害滋。

Huang illustrates this common tendency with historical evidence. The system of ever-normal granaries instituted by Geng Shouchang 耿壽昌, assistant of the chamberlain of the national treasury under Han Xuandi, had to be terminated by Han Xuandi's great great grandson Liu Ban 劉般.² Powerful households were reaping illegal profits from the system, while the common people did not enjoy the benefit of “ever-normal” grain prices. As an official under Sui Wendi, Changsun Ping 長孫平 instituted public granaries (yicang 義倉), which he placed under the management of the local community.³

¹HCJSWB, 39:3a–5b. The HCJSWB includes a considerable number of essays from the Complete Book of Blessings, an official handbook (guanzen 官箴) that Huang published in 1696 after retiring from his last appointment as supervising secretary at the office for the scrutiny of works. The Complete Book of Blessings was one of the most influential collections of its kind during the Qing dynasty. What distinguished it from other collections was that it did not only put an emphasis on moral character and comportment, but also went into details about topics related to the daily routine of local administration referencing Huang's own experience. Gong & Liu (2011) write the Complete Book of Blessings conveys a markedly utilitarian perspective on local administration.

²Huang (1997), pp. 32, 97

³Huang (1997), p. 353.

The system benefited the common people at first. But soon the system failed because the personnel in charge (REN) started to misappropriate the stocks under their control. Another problem was the location of the public granaries at the county seats. This meant that most benefits brought by the granaries were only enjoyed by the city inhabitants but not the rural population. Tang emperor Taizong ordered the institution of both public granaries for grain credits, financed with a surcharge on the land-tax, as well as ever-normal granaries for famine relief. The system broke down, however, when his son and successor on the throne Tang Gaozong started to channel off granary stocks to feed his army. This happened again during the Song dynasty, after ever-normal granaries had been reestablished. Wang Anshi took what was left of the ever-normal stocks and put them into his “Green Sprouts” credit program. The program was administered so badly that the people did not only suffer in years of famine but also in years of abundance.

The historical records support the impression that the granary policies failed because the wrong men REN were put in charge of managing the granaries, Huang concedes. But this does not mean that the procedural rules (FA) regulating the operation of the granaries should not be subjected to discussion.

“Seen from this angle, the failure of the granaries was not a defect in the regulations (FA), but the result of failing to put the right men (REN) in charge of the administration of the granaries. This does not imply, however, that we should only start discussing the regulations (FA) for granaries after we have managed to recruit perfect personnel (REN) for all granaries.”

由此觀之。豈法之弊哉。不得其人之故也。然自古及今。亦安得盡有其人而後議其法乎。

Both the recruitment of honest men (REN) for the job and the making of appropriate regulations (FA) to guide them in the performance of their job are crucial tasks.

This brings Huang to the analysis of the weaknesses of current ever-normal granaries. Ever-normal granaries are currently financed with a surcharge on the land tax paid by the people. However, officials and functionaries use half of the stocks for gifts to superior officials, the other half disappears directly in their private pockets. To make up for the losses, it has become common practice to claim that the stocks were spoiled and demand their replacement (most likely by contributions made by the people). Memorials regularly report cases of granaries virtually emptied by embezzlement, which often comes to light when an official leaves for another posting. This amounts to extortion of the people’s money to finance the illegal activities of local powerholders, exactly what Liu Ban had criticized when he abolished the Han dynasty ever-normal granaries. What is more, the rural population does not profit from the system at all, as the granaries are located at the administrative seats, a point already criticized with the Sui dynasty welfare granaries.

Huang concludes that “putting the right men (REN) in charge” is only one aspect of the solution to the problem of the granaries’ inefficacy.

“If we want full granaries, the solution is to put the right men (REN) in charge. If we do not want the granaries to negatively affect people’s livelihood, the solution is to manage the granaries according to the regulations (FA). If we want that both the people near and far from the administrative seat benefit, the solution is to jointly establish ever-normal and community granaries.”

欲倉貯有備。在於官得其人。欲侵刻無聞。在於制得其法。欲遠近均沾。在於常平倉社之並設。

Huang attributes importance both to REN and FA factors. His analytical distinction between the role of “putting the right men (REN) in official charge” 官得其人 and “managing the granaries according to appropriate regulations (FA)” 制得其法 is slightly blurred.

The right men in charge (REN) will prevent the granaries from running short of grain, Huang says. Currently, there is no proper control of the granaries so that sub-official functionaries can misappropriate stocks. If the missing stocks are not replaced in a timely manner, the deficit becomes unmanageable. Therefore, the magistrate should put cautious, law-abiding sub-official functionaries in charge of monitoring the volume of incoming and outgoing grain. The magistrate in turn should never channel off grain from the granary for other purposes.

FA in the context of “management according to the right FA” refers to specific regulations or methods that render the men in charge more accountable, not just the institution or model of the granary. Huang argues that management of the granaries according to appropriate regulations (FA) will prevent exploitation of the people. Right now, the poor do not enjoy the benefits of the ever-normal system in the form of the state sale of grain at a lower-than-market price. They have to finance the operation of the granaries by paying a surcharge on the land-tax. But the cheap grain is all illegally bought up by influential big buyers. Therefore, the director of the community granary and his deputy should be required to document all sales and expenses. These records should be submitted to the magistrate who will also perform on-spot checks of whether the actual stocks correspond with the records. These signs of effective management will also increase the readiness of local beneficiaries to donate stocks for the granary, Huang says.

In proposing a combined system of ever-normal and community granaries, Huang presents putting the right men (REN) in charge and managing the institution according to the appropriate regulations (FA) as indispensable building blocks of an effective granary policy. The “right” men (REN) are magistrates, sub-official functionaries and appointed granary directors who do not embezzle stocks themselves and do not let others embezzle stocks. Management according to regulations (FA) that require detailed book keeping and reporting to facilitate the control of the men in charge means that abuses that infringements of the regulations that have so far prevented the common people from benefiting, for example the illegal buying up of large quantities of low-price grain by grain brokers, clerks and government students, are strictly prosecuted.

Lu Shiyi's 陸世儀 (1610-1672) essay "On salt tax, grain tax and famine relief policies" 論鹽糧賑貸諸法 contains a section on granaries.¹ Having never held public office, Lu Shiyi nevertheless attached importance to the practical affairs and rejected metaphysics in the abstract.² As Lu presents it, the choice of the model (FA) for the granaries matters a lot. Some model (FA) promise a higher chance of efficient operation because they are less susceptible to abuse. Lu's contribution to the debate on the efficacy of granaries consists of a ranking of granary models (FA) according to their susceptibility to human factors (REN). According to Lu, ever-normal granaries are less sensitive to disruption than community granaries because there is a lower risk of failure due to human factors (REN). The community granaries distribute grain in spring and request it back in winter at an interest rate of ten percent. The downside is that successful operation depends critically on whether the right men are put in charge (zui xu de REN 最須得人) of managing the distribution and collection of grain. Lu points to Wang Anshi's "Green Sprout" granaries as the classic cautionary example of what happens if the wrong men are put in charge. Instead of administrating the credit bureaus in the interest of the people, Wang Anshi's officials forced the people to sell their private stocks and borrow grain from the granaries in order to maximize the through-put of the granaries and let public coffers (and themselves) profit from the high interest rates.

This kind of abuse is not possible with the ever-normal granaries, argues Lu, because they operate on a different scheme. The officials managing the ever-normal granaries regulate the grain price through strategic buying up and selling of grain. The downside is that the ever-normal granaries with their central location only benefit the urban dwellers, not the peasants in the countryside. Both communal and ever-normal granaries share the downside that they operate on capital managed by officials. If there is corruption and the money gets embezzled they become defunct because the capital base is drained. Ever-normal fields (changpingtian 常平田) are the least susceptible to human factors (REN). With ever-normal fields, local granaries get stocked with grain from the ever-normal field and can perform the three standard functions of providing famine relief, granting credits and regulating prices, depending on current needs. Corruption and embezzlement will never destroy the capital base completely. After the corrupt personnel has been replaced, the field is still there to restock the granary.

¹HCJSWB, 28:4a-5b.

²Lu advocated that scholars not only study the classical canon and literary composition, but also works on astronomy, geography, construction and military affairs. The Complete Library in Four Sections (Siku quanshu 四庫全書) quotes Lu with the remark that "if no one in the realm engages in learning, public morale will decline; if everyone in the realm engages in learning, public morale will also decline" 天下無講學之人，此世道之衰；天下皆講學之人，亦世道之衰. The HCJSWB includes a number of writings from Lu's Record of Pondering Distinctions (Sibianlu 思辨錄). In the essay "On Government" (Lun zhi 論治) from this collection, Lu notes that before education of the population through ritual and music (liyue 禮樂) can be effective, the government has to ensure the economic subsistence of the people through a fair and equal taxation system. "In antiquity, the governance of the realm was all about ritual and music. Nowadays, it is all about taxes and corvée labor. If taxes and corvée labor were distributed equally, already half of the task of government would be achieved" 古之天下禮樂盡之。今之天下賦役盡之。能平賦役。治天下為得半矣. Lu goes on to recommend "if we want excellent troops, we should cut down on their numbers and increase their pay; if we want incorruptible officials, we should cut down on their numbers and increase their salary" 欲兵之精不如省兵而增糧。欲官之廉不如省官而增俸. HCJSWB, 11:33a-b. Li Hongzhang 李鴻章 (1823-1901) and other officials would call for the streamlining of Green standard troops in several provinces according to a similar logic of improving quality by reducing quantity in the 1860s in the context of "self-strengthening". Kuo (1983), p. 503.

However, Lu seems to mention ever-normal fields only for the sake of argument, in order to illustrate the principle of minimizing dependence on human factors (REN): “the other two models combined are even better than ever-normal fields” 視前二法兼之且勝之矣. The solution he proposes is a combination of ever-normal and communal granaries, similar to Huang Liuhong’s idea. The communal granaries are to be stocked with interest grain earned through the granting of credits. In times of scarcity of grain, both ever-normal granaries and community granaries can be used for price regulation. In case of serious famines, ever-normal granaries regulate the prices and community granaries provide relief grain. As long as both kinds of granaries are well-stocked, famines do not represent a danger.

Huang Liuhong and Lu Shiyi argue for the efficacy of their own suggestions by affirming that specific regulatory guidelines of models (FA) matter. They both point to Wang Anshi’s “Green Sprout” granaries as a negative and Zhu Xi’s community granaries as a positive precedent. Li Fu’s 李紱 (1673–1750) “Discussion of Green Sprout and communal granaries” 青苗社倉議 also refers to these two historical precedents.¹ The essay is undated so we cannot be sure when during his long, but not completely straightforward official career he wrote it.² Similar to Lu Shiyi and Huang Liuhong, he proposes a combination of community and ever-normal granaries. But unlike Huang Liuhong and Lu Shiyi, who claim that Zhu Xi’s model is superior, Li argues for the equality of the Wang Anshi’s and Zhu Xi’s models (FA) in terms of efficacy. The reason all later granary policies related referred to Zhu Xi as their model is not that it was genuinely better, but that Wang Anshi was a persona non grata. Similar to Gao Chengling, Lu regards “it is men (REN) who order the state, not regulations (FA)” as the description of an imperfect and ultimately undesirable state of affairs, the heavy dependence of institutional efficacy on the integrity of the men in charge.

A staunch defendant of Wang Anshi’s reform policies³, Li claims that Zhu Xi’s communal granaries and Wang Anshi’s “Green Sprout” granaries equally suffered from the perennial problem (gujin zhi tongbing 古今之通病) that “it is men (REN) who order the state, not regulations (FA)” 有治人無治法. The success or failure of the granaries depends upon the performance of the men in charge (REN). Wang Anshi’s designs were in accord with the teachings of the former sages (qianxian zhi lun 前賢之論) just like Zhu Xi’s. Later attempts to revive Zhu Xi’s policy failed for the same reason that Wang Anshi’s policy failed: the men in charge (REN) did not share the sincere attitude of the founders. In fact, all valid critique of Wang Anshi’s “Green Sprout” program concerns human factors (REN) and is equally valid for any other granary model, including Zhu Xi’s.

“Zhu Xi’s model (FA) of communal granaries is the same as that of the ‘Green Sprout’ gra-

¹HCJSWB, 40:21a–23b.

²Winning his jinshi in 1709, Li had become governor-general of Zhili in 1725, but suffered from demotion afterwards. Grand Secretariat Archives at the Academia Sinica Institute of History and Philology #6500 中央研究院歷史語言研究所內閣大庫檔案 6500 號, as cited in DBCMAGC, <http://npmhost.npm.gov.tw/ttscgi/ttswebnrm>.

³Wei Yuan points this out in a comment on this essay discussed below, remarking that many of Li’s collected writings were written in defense of Wang Anshi. Note that Li’s collected writings figured as an important source for Wang Jinggong nianpu kaolüe 王荊公年譜考略 compiled by Cai Shangxiang 蔡上翔 (1717–1810). Pi (1987), p. 169.

naries. Over the past six hundred years, people thought the model was Zhu Xi's unique invention and frequently wished to emulate it. But it always failed after a short time, before people had had the chance to enjoy its benefits, and had only suffered from its defects. Only knowing that their model (FA) was Zhu Xi's model (FA), they did not realize that their personnel (REN) was not Zhu Xi's personnel (REN), and that they could just as well have emulated the 'Green Sprout' model (FA)."

朱子社倉之法。與青苗同。相沿至今。近六百年。後人以為朱子之所為也。輒欲仿而行之。然往往暫行而輒廢。未見其利而先受其弊者。徒知法為朱子之法。不自量其人非朱子之人。則亦青苗之法而已。

The operation of Zhu Xi's communal granaries does not depend on the work of a single man, but on a considerable number of officials and commoners performing their tasks of oversight and management, Li points out. Zhu Xi's communal granaries worked fine as long he and his students, all of them "gentlemen committed to the Way" 學道君子, were in charge. The high officials initiating and presiding the implementation of the granaries today (shoushezhe 首事者), says Li, are just as impartial and upright as Zhu Xi. The problem are the many people who are in charge of the numerous subtasks (fenren qishi 分任其事者). If the personal qualities of these subordinates do not match the ones of Zhu Xi's students, it is impossible to implement Zhu Xi's model (FA). "Measuring the personal qualities of the men put in charge (REN)" 量度其人 is therefore a critical step in the administration of the granaries. But already Zhu Xi had a hard time recruiting enough qualified personnel (REN) after his petition to extend the model (FA) to the whole empire had been approved. Dependence on the integrity of the men in charge (REN), the fact that "it was men (REN) who order the state (or rather, the granaries), not regulations (FA)" became the reason why Zhu Xi's communal granaries were not successfully implemented on a larger scale, neither in his own times nor in later times.

The same applies to Wang Anshi's "Green Sprout" granaries. In their original implementation, the communal granaries were not different from the "Green Sprout" granaries in terms of their interest policy and other basic rules of operation. During his assignment as magistrate in Zhejiang, Wang Anshi had presided over the implementation of "Green Sprout" granaries personally. The policy had met with so much success that the people still offer sacrifices to him in the local temples. After he had become chancellor, Wang Anshi wanted to promote the policy that he had successfully tried on a small scale to the whole empire, but failed disastrously. Just like Zhu Xi, Wang Anshi neglected the fact that the men in charge (REN) in other parts of the empire did not match himself in their personal qualities.

Li concludes that "if the right men (REN) can be put in charge, the 'Green Sprout' program is just as good as the community granaries; if the right men (REN) cannot be put in charge, the communal granary is just as bad as the 'Green Sprout' granary" 是故奉行而得其人，則青苗亦社倉矣；奉行而非其人，則社倉即青苗矣。 He quotes Zhu Xi's criticism of the "Green Sprout" system from the Jinhua shecangji: payments in money not in grain, granaries located at county seats not in villages, manage-

ment by officials, not by local elites, main objective of enriching the state, not charity, interest charged in money not in grain. Li goes on to argue that all the points that Zhu Xi has cited as its disadvantages could in fact also be counted as advantages. Whether they turn out to be beneficial or harmful depend fully on their execution by the men in charge (REN). If the aim is to make sure that an affair is carried in a steady manner, it is necessary to appoint officials to take charge of it. In the exchange of funds between officials and the people, cash is easy to handle, while grain is more difficult to handle. If all payments are made in cash, it is appropriate to handle things in the cities, not in the villages. If they are not located in the villages, payments must indeed be made in cash and cannot be made in grain. In serious cases of embezzlement, the responsible persons have to be sent to the county seat for trial and it has to be guaranteed that they compensate for the loss inflicted. It is impossible to only appoint members of the local gentry for this. Li utilizes the fact that Zhu Xi's last critique of the "Green Sprout" policy is formulated fairly abstractly to his advantage. The "urgency" 亟疾 that characterizes the "Green Sprout" program according to Zhu Xi is conventionally interpreted as alluding to the fact that the sub-official functionaries and officials in charge of the granaries forced people to participate in the program in order to maximize the granaries' profit and without regard for the people's interest. Li interprets the 'urgency' as a general sense of one's official duty that does not conflict with the sense of "charity" (canda zhonghou zhi xin 惻怛忠厚之心) to serve the people's interests.

"Although it is possible possible to act with a sense of 'charity' (citing Zhu Xi) all along, but there also has to be a sense of 'urgency' (citing Zhu Xi again) to seek and find the fundamental causes of benefit or harm. I do not see why one should exclude the other."

則雖能全用惻怛忠厚之心。而究亦歸於亟疾。推求利害。始終之故。未見為此得而彼失也。

Having said all this in defense of Wang Anshi, Li's own proposal of how to proceed in implementing the granaries actually deviates from Wang Anshi's model (FA). Li concedes that building up grain stocks for on-the-spot relief funds during famines should receive priority, not provision of monetary funds. Similar to Lu Shiyi and Huang Liuhong, he proposes a combination of community and ever-normal granaries.

A comment in the HCJSWB appended to Li's essay, very probably by Wei Yuan, disapproves of Li's remarks about the practical equality of the community and "Green Sprout" models. The commentator points to the inconsistency of Li's stating that monetary payments are easier to handle than grain, confirming Wang Anshi's policy, but later recommending to focus on storing grain, which corresponds to Zhu Xi's policy. A decisive difference between the policies is the low interest rate of communal granaries, says the commentator. He suggests that Li Fu misquotes Xunzi, who was merely saying that institutions (FA) cannot be entirely fail-safe but depend on the hard work of men (REN) to function. The commentator seems particularly disconcerted about Li Fu's statement that both policies are equally valid from a practical standpoint. The commentator's main point is that everything else being equal, in-

cluding the capability and integrity of the men in charge (REN), there exist differences between the two models (FA) in terms of viability and benefit, and that the optimal choice is the model (FA) that is “long-lasting” 可久: “accepting that there is no model (FA) that administers itself, we have to find a (FA) that can last long” 至于無治法之中。而必求可久之法。 In this context, the commentator cites Lu Shiyi’s ranking of models (FA) by their resilience against infringements and abuse by the men in charge (REN), in order to underline that such distinctions matter. The commentators elaborate on this criterion of resilience by synthesizing Li Fu’s two seemingly inconsistent statements that monetary funds are easier to establish and maintain, but that grain stocks should receive priority, into a consistent principle: “monetary funds are not as convenient as grain stocks, grain stocks are not as long-lasting as a communal field. But what is hard to establish is also hard to discard” 金不如穀之便，穀不如田之可久；但創始益難，惟難興故亦難廢耳。

In “Personal opinion on the establishment of granaries and lending of grain” 預備倉貸穀私議, Liu Wen 劉汶 (juren 1688) advocates alterations to a proposal for the installation of granaries by the provincial governor of Shandong, Foron 佛倫 († 1701), in 1690.¹ Liu warns that Foron’s proposal will be a political failure if implemented unchanged because it does not follow Zhu Xi’s model (FA) for communal granaries, as Foron asserts. Foron’s plans are not based on the model which Zhu Xi laid down in the *Jinhua shecangji* and which drew from fourteen years of experience, Liu argues. They are based on the cruder model with which Zhu Xi started out in the beginning that was not quite different from Wang Anshi’s “Green Sprout” granaries. The five differences between community granaries and “Green Sprout” granaries that Zhu Xi laid out in the *Jinhua shecangji* “decide about whether (the granaries) benefit or harm the people” 此利害之所由分歟, Liu underlines. To support his own proposals to amend Foron’s scheme, Liu defines a calculus of REN and FA in which adequate regulations (FA) solve seventy percent of the problems and qualified men (REN) step in to take care of the remaining thirty percent.

Liu lists five problematic characteristics of Foron’s plans of which four are identical with the shortcomings of Wang Anshi’s “Green Sprout” program as listed by Zhu Xi.

1. According to Foron’s scheme, a central granary is to be established at the county seat instead of establishing a decentralized network of granaries in the villages. This puts the rural poor at a disadvantage. They do not dispose of vehicles such as boats and carts to carry lots of grain at a time, but the distance renders transport in smaller installments uneconomic. Efforts to relocate grain to the villages in order to make it more convenient for the people will have to confront a lack of storage facilities and transportation funds. In the end, it will mainly be people not engaged in agriculture and without a regular occupation who profit from the grain credits, not the peasants, whom the policy is intended to support.

¹HCJSWB, 39:15a–17b.

2. The granaries are to be managed by officials and sub-official functionaries instead of local elites. Sub-official functionaries are prone to corruption. If they manage the distribution and collection of the stocks, they may let the grain go bad but force the people to accept it nevertheless. They may demand far more than the official surcharge that they are allowed to request for covering their expenses.
3. The main objective is to enrich the state instead of securing popular welfare, manifested in annual compulsory borrowing irrespective of needs instead of voluntary borrowing according to needs. Because Foron's plans stipulate that a predetermined amount of the stocks has to be lent and recollected in each county, county magistrates will either force each locality to borrow a fixed amount, or impose higher surcharges from those who borrow in order to meet the requirements imposed and receive a good evaluation. In the first case, all people are forced to borrow, no matter if they need a credit or not. In the latter case, the people virtually have to pay back grain that they did not borrow. Liu points to a scandal in Shaanxi ("Shaanxi seed scandal" 陝西籽粒一案) where officials harmed the people by committing both abuses excessively.
4. Interest is to be charged in cash instead of grain. Foron plans with a fixed return earned through a surcharge on the borrowed grain (jia er zhi e 加二之額). It is legitimate to charge interest on grain lent if the grain in the granaries itself was borrowed from some other source until this external loan has been paid back (as in the case documented by Zhu Xi). But if this is not the case (as for Foron's granaries), no interest should be charged. Otherwise, there will be less and less people willing to borrow from the granaries because of the interest charged. Some may even give up agriculture, and the granaries will end up with large amounts of excess grain (gu duo nong shao 穀多農少). This and the forced borrowing and excessive surcharges mentioned in point three will result in a situation where "what was intended to benefit the people, harms them" 本以救民。反以害民.
5. The plans devote no special attention to the fact that in many county granaries, a lot of grain is misappropriated for other purposes than intended (nuoyi 挪移), so that the actual amount of grain stored is much lower than officially prescribed. Also, a considerable amount of grain turns bad, so that the amount of usable grain is still smaller. If this issue is not addressed, the county magistrates are bound engage in illicit practices such as distribution of spoiled grain and forgery of receipts in order to make up for the deficit. They will forge receipts for grain that has never been distributed, and if they feel that their superiors cover the fraud, exact the grain from the people, as it happened in the "Shaanxi seed scandal".

According to Liu, seventy percent of the listed problems can be solved if Foron's alters the regulations (FA), while the remaining thirty percent of the problem can only be remedied by putting the right men (REN) in charge of supervising the granaries.

“The right plan can only be to implement Zhu Xi’s communal granaries according to the guidelines (as he refined them) after fourteen years (of experimentation). But this will not remove all five defects, only three of them. Seventy percent of the defects can be prevented through the establishment of appropriate regulations (FA). After we have good regulations (FA), preventing the last thirty percent hinges upon the men in charge (REN), it is nothing that the regulations (FA) can take care of.”

亦惟行朱子十四年以後之社倉耳。然且不能悉除五弊。僅可免其三焉。蓋立法防弊。十得其七。已為良法。其十之三則待人而後行。非法所能及也。

Liu Wen proposes three regulations (FA) to remedy problems number three, four and five from the above list of problematic characteristics of Foron’s granary scheme. To address point three, the granaries should lend flexible amounts of grain calculated according to the previous harvest, instead of a predetermined amount. This will remove twenty percent of the defects, says Liu. To address point four, interest for the grain loans should not be charged in cash, but in form of fixed amount of grain per unit (dan 石) of grain lent, as proposed in Zhu Xi’s guidelines. This will take care of thirty percent of the defects. To address point five, magistrates should be held responsible for the replacement of spoiled grain and deficits. Magistrates who tolerate or even order the distribution of spoiled grain, fake receipts, or exact illicit surcharges are to be punished and demoted. Subordinates on the provincial, circuit and prefectural level can receive punishment for covering up the fraud of their subordinates. This prevents twenty percent of the defects.

What remains are the defects inherent in the first two points, the location of granaries are at county seats instead of villages, and management by officials instead of local elites. These defects cannot be addressed with a change in regulations (FA) here, but must be “gradually removed” 漸去 by “wise and capable governors-general and governors” 賢能督撫 (REN).

“To make the changes necessary (to remove these defects) lies with the men in charge (REN). This cannot be solved quickly by establishing regulations (FA) that restrict the people.”

變而通之。存乎其人。非可以一切之法。束縛而馳驟之者也。

They make up for the fact that official agents administrate the granaries by delegating the tasks wisely and only to people they see fit. They do not let greedy clerks embezzle stocks, they do not let the stocks leak to folks not entitled to receive credits from the granaries. Liu Wen does not go into detail how the governor-general or governor are to mediate the problems associated with the location of granaries in the county seats and out of reach for many villagers. He probably regards it as one of the tasks that a wise governor-general and governor will solve through expedient delegation.¹

¹Tillman (2004), p. 127, notes that since the state-established ever-normal or charitable “granaries were usually located in urban areas, central government officials took charge of distribution in cities and nearby towns, but often delegated charitable distribution in remote villages to Buddhist monks.”

The scholar Wei Xi 魏禧 (1624–1681) advocates the establishment of communal granaries as one of eight preventive measures (xianshi zhi ce 先事之策) in his essay on “Famine Relief Policies” 救荒策.¹ The Ming loyalist Wei Xi never served in an official position after the fall of the Ming dynasty, but a prolific essay writer, he liked to comment on practical affairs.² To make the communal granary a “model (FA) without defects” 其法無弊者 he proposes a mechanism of mutual control between officials and the people (guanmin xiangzhi 官民相制). Wei presents granaries as a means to alleviate class conflicts over resources between the rural rich and poor. Granaries are “an optimal institution (FA)” 為法至善 in this respect as they preserve social peace by saving people’s life and property and at the same time fostering their sense of honor (lianchi 廉恥).

In Wei Xi’s model, all parties involved have to face sanctions if they do not play by the rules. Officials are not directly involved in collection and distribution, but play a supervisory role: “officials are not involved in determining the amount of grain collected and distributed. They are only to show up in the beginning for updating the cadaster and at the date fixed for rice sale, when the yamen is to dispatch people to patrol and monitor the process” 至義穀出入之數，官府不預；只於當發糶時，先期出示，令各坊清覈丁數，定於某日糶米，官府時行巡訪. Rich households that refuse to help the charitable cause (zhuyi 助義) through donation of stocks, and granary masters engaging in actions that are “illegal and harm the public interest” 不法不公 are to be punished by the supervising officials. Criminal granary masters are to be replaced immediately. If it, on the other hand, turns out that it is officials who engage in illegal actions, for example by exacting surcharges for private benefit, they are to be “sent to the yamen and detained for investigation” 仍送官驗押.

The fact that the involved parties mutually supervise each other makes this a “model (FA) without defects” (read: without opportunities for abuse) in Wei Xi’s opinion.

“If the power to reward and punish is put into the hands of officials, the people will be fearful not to commit crimes. If the management of the amounts collected and distributed is put in the hands of the people, the officials will be unable to embezzle funds for their own private gain. This is what is called ‘mutual restriction between people and officials’, a model (FA) without defects.”

以賞罰之權歸於官。則人知所畏。以出入之數歸於民。則官無可私。所謂官民相制。其法無弊者也。

Wei Xi believes that regulations (FA) must be designed so as to leave as little opportunity for abuse by the men in charge (REN). At the end of his essay on famine relief measures and on a contradictory note, however, Wei Xi relativizes his statements by pointing out that men (REN) must adapt regulations (FA) to the circumstances for them to be without defect.

¹HCJSWB, 41:10a–20b.

²Wang (1987), p. 532. The HCJSWB includes several of Wei Xi’s writings.

“There is the antique saying that ‘there is no miraculous policy for famine relief’. There is indeed no miraculous policy for anything. If someone is able to react to the circumstances when sorting things out, while others are not, then people will call it ‘miraculous’. This compilation mostly assembles ready-made models (FA) of the ancients with some alterations made by myself. But one person’s experience and way of thinking is limited. The good models (FA) I have come up with may not be without defects in practice. It is the task of later gentlemen to increase what turns out good and remove what turns out bad (during implementation) so that all can benefit at all times.”

古稱救荒無奇策。要凡天下之策未有奇者。因時制事。世人不能行。而獨行之。則謂之奇耳。是編多輯古人成法。間以意損益之。然一人耳目有盡。心思有所不及。又或自擬良法行之不能無弊者。增美去惡。以成萬世萬民之利。是在後之君子矣。

The “Memorandum requesting to consider the issuance of relief funds in both silver and grain” 請酌銀穀兼賑之法疏, written in 1743 by the investigating censor Sun Hao 孫灝 (1700-1760), is part of a debate over soaring prices and the ever-normal system of the years 1738–1743.¹ That overly aggressive official buying up of grain for the ever-normal granaries was one principle cause driving up grain prices constituted more or less a consensus of the participants in the debate. Sun advocated a “radical” stance in the debate.² In the memorandum, Sun defends his plan to halt restocking of the granaries completely, until the prices would have returned to a reasonable level. He rejects the suggestion to solve the problem by exchanging “excessive buyers” by more prudent colleagues. Sun also criticizes that proponents of this suggestion attempt to justify it with Xunzi’s dictum “it is men who order the state, not laws” 有治人無治法.

Sun does not reject the dictum itself, but rather how his opponents use it to justify their positions in the debate. Sun calls the phrase inappropriate, an empty phrase (kongyan 空言), in the given context. Replacing the thousands of county magistrates engaging in excessive buying is not a feasible option. Sun argues that “clinging fast to regulations (FA) is not helpful in the exercise of administration” 天下州縣千百, 安得良有司如許; 矧拘文法, 不足為政也. He emphasizes the importance of both regulations FA and men REN when putting forward his own suggestion.

“The ever-normal granaries are a good institution (FA), excessive official buying is the fault of the men in charge (REN). If we put official buying temporarily on hold, we can get rid of this problem. We must keep the institution (FA) has to be kept, there is no reason to throw the baby out with the bath water. But we cannot but take care of solving the problem, and we should not get distracted by impractical talk. We have to entrust men (REN) who are up to the task with enforcing the official halt on buying for the granaries. They have to

¹HCJSWB, 44:17a–20a.

²Dunstan (2006), p. 188.

respond to the times with shifts in the policy. This way, we can get rid of the accumulated problems and achieve real efficacy.”

臣愚以為常平法之良也。採買之弊其人失也。暫停則救弊者也。法不可以不存。而無惑乎因噎廢食之見。弊不可以不救。而弗疑於膠柱鼓瑟之談。是則暫停採買。必責之奉行之人。寬以歲月。略與變通。而後積弊可轉。實效可收也。

Zhang Haishan's 張海珊 (1782–1821) “Opinions on organizing grain storage associations” 積穀會議 puts forward suggestions concerning the establishment of granaries in Wujiang, Jiangsu.¹ Zhang's argument is replicated in Mao Hongbin's memorial advocating the management of the lijin by local elites, discussed at the end of chapter 2.4. Zhang links abusive practices surrounding the granaries such as aggressive official buying, forced borrowing, misappropriation and embezzlement of funds to Xunzi's dictum that “it is men (REN) who order the state, not regulations (FA)”. According to Zhang, the mobilization of REN the local community is key to the success of any undertaking, including the operation of granaries. Also, it is gradual improvement that leads to long-term success. To prevent the above mentioned abuses of the institution (FA), empower the right men (REN) and mobilize the local community, Zhang advocates to let the local community manage the granaries: “to let officials manage the granaries is certainly not as appropriate as letting the people themselves take care of the management” 官為之計固不如民自為計之為得. This suggestion is in line with the general tendency in the HCJSWB to give preference to Zhu Xi's communal granaries managed by the local community vs. Wang Anshi's “Green Sprout” granaries managed by officials.² Zhang considers the distribution of competences to local, non-state actors a human (REN) aspect, not a technical (FA) aspect.

Interest in the question why an institution that could be immensely beneficial for the local community is so hard to establish and maintain continues throughout the compendia of the self strengthening period represented by the writings collected in the HCJSWXJ/RAO, HCJSWXB/GE and the HCJSWXB/SHENG. Chen Tingjing's, Li Zhaoxi's and Liu Shutang's writings discussed below express optimism that granaries can be effectively implemented if the right regulations (FA) are adapted, while Huang Shisan regards them as an impracticable institution because they are too dependent on the availability of extraordinarily committed personnel (REN). Chen Tingjing suggests that the granaries suffer from an implementation deficit. Were the granaries operated according to the regulations (FA) specified by Zhu Xi, they would be an efficient institution. Li Zhaoxi calls for a careful choice of personnel (REN) and recourse to the institutional levers of evaluations (kaocheng 考成) and sanctions (shangfa 賞罰). Liu Shutang argues that the men in charge (REN) only have a chance to operate the granaries successfully if the regulations (FA) undergo some modifications. Huang Shisan, on the other hand, contends

¹HCJSWB, 39:18a–b

²It is also in line with Liu Wen's assessment that the system functioned as long as it was managed by the townspeople (xiangdang 鄉黨) as an internal matter (sishi 私事), and became dysfunctional only when management was transferred to sub-official functionaries representing the public hand (gongjia 公家).

that all available models (FA) for operating the granaries share the weakness that their efficacy depends on whether the men in charge (REN) are equipped with outstanding integrity and commitment, which makes their large-scale implementation unrealistic.

Chen Tingjing 陳庭經 (jinshi 1844), an academican reader-in-waiting in the Grand Secretariat, believes in the feasibility of the community granaries.¹ The problems encountered with the community granaries, such as embezzlement of stocks, illegal monopolization of stocks by large buyers instead of the local peasants, and inflexible repayment modalities, would not have been encountered had the granaries indeed been run according to the regulations: “these were not defects in the design of the regulations (FA) but defects in the implementation of the regulations (FA)” 非立法之弊，行法者之弊也。Had the management been entrusted to the local people instead of officials, had granaries been established in more localities instead of just the county seats, and had the repayment policy been designed flexible so as to consider the harvest situation, as specified by Zhu Xi’s regulations, the model (FA) could have been operated without abuse in the long run: “the model (FA) could have been implemented without defects in the long-term” 其法可久行而無弊者也。

The solutions of those who believe in the feasibility of state-run granaries repeat points made by earlier statecraft thinkers. Li Zhaoxi 李肇錫 (jinshi 1868), a censor during the Guangxu reign, regards recruitment of the right men (de REN 得人), flexible adaption to the local circumstances and enforcement of sanctions as the preconditions that have to be met for the establishment of an effective system of granaries. It is better to put magistrates in charge of the local granaries because they can be controlled through the official evaluation system (kaocheng). The efficacy of the local granaries has to be made a criterion for the evaluation of magistrate’s achievements. Magistrates regard the granary regulations as a “mere piece of paper only because it is irrelevant for their evaluation” 惟無關考成。故視為具文。²

Liu Shutang 劉樹堂 (*1831) calls for a relaunch of ever-normal granaries, community granaries and “public granaries” (yicang 義倉).³ Liu comments the fact that most granaries have gone defunct in terms of REN and FA, arguing that all three granary models can be effective with modified regulations (FA). The men in charge (REN) only have a chance to operate the granaries effectively if these modifications are made.

“Few commentators have not remarked that ‘it is men (REN) who order the country, not regulations (FA)’. But what if the models (FA) cannot be implemented? There are historical models which can be adapted with only minor changes, models which need not be changed, and models need to undergo some adaption to account for changed circumstances.”

鮮不曰有治法無治人。然則法卒不可行矣乎。試即古今而熟籌之。有相似而不

¹HCJSWXJ/RAO, 41:19a–22b.

²HCJSWXB/SHENG, 43:24a–25b.

³“Public granaries” were similar to the community granaries in that were intended to provide grain loans to local residents. See Ch’ü (1962), p. 158.

盡同者。有已行毋庸變更者。有彼此異勢不妨稍為參酌者。

The regulations (FA) ever-normal granaries can remain relatively unchanged, but the rule to sell only to the common people and only sell limited quantities per person must be strictly enforced. The community granaries can be reestablished without any changes. For the public granaries, Liu suggests a modified model where officials and local gentry mutually check each other (*guan shen xiang zhi* 官紳相制). Members of the local gentry should be put in charge of the administration of the granaries, while officials monitor their performance.

Huang Shisan 黃式三 (1789–1862) is skeptical that either state-run or state-policed can work on a permanent basis and advocates to reduce government activity to temporary interventions to regulate grain prices.¹ Available models (FA) are too dependent on the availability of personnel (REN) that is not just honest but extraordinarily committed. Huang quotes, approvingly, Li Fu's assessment that Wang Anshi's "Green sprout" granaries and Zhu Xi's community granaries were equally valid granary schemes (FA) that work if the right men (REN) are put in charge and fail if the wrong men are put in charge. The oft-cited key passage from Zhu Xi's *Jinhua shecangji* in which he lists how his community granary program differs from Wang Anshi's "Green sprout" program do not perfectly reflect the historical reality. When Zhu Xi discussed his plans for community granaries he prescribed that they should only be established if the local community consented, that people only should borrow grain if they so wished, that the credits should be paid in form of grain, not in form of money, and that the men in charge of the granaries should consider the people's economic security first, not the granaries through-put or the state's profit. Wang Anshi declared very similar intentions when describing his scheme. In practice, however, his men in charge implemented the policy without regard for the people's interests, people were forced to borrow grain, and credits were granted in money instead of grain. When Zhu Xi's community granaries were established all over the country after the incubation period had passed, the same abuses occurred. In practice, the operation of the community granaries did not match Zhu Xi's theoretical standards. It was not free of involvement of officials and use of force. Zhu Xi's documented later plan to build up enough funds by charging a medium interest on credits during the first years of operation, and then cut the interest back to a low rate could not enough to cover administrative expenses and loss incurred though dampness and mice, Huang argues. The reason why the community granaries and the "Green Sprout" program worked when Zhu Xi and Wang Anshi implemented them in their own jurisdictions was that the men put in charge were all Zhu's and Wang's disciples. The success of the schemes was due to these men's integrity and extraordinary commitment, and is no proof of the general feasibility of the scheme. Apparently, the granaries were all well-stocked through generous donations in the beginning and then well-managed by well-off and committed masters afterwards and probably also restocked from private funds in case of deficits. No funds were allocated for supervision of the men in charge as supervision was unnecessary. But when ordinary officials and functionaries were put in charge of extending the policy all over the country, abuses became numerous.

¹HCJSWXB/SHENG, 43:1a–3b.

Some advocates of the granary schemes compared it with a micro loan policy initiated by the Duke of Zhou and an ever-normal policy of price regulation under Guan Zhong, which reportedly worked. The antique schemes worked because they were not permanent institutions but temporary measures implemented only at times when rulers deemed them expedient. The loans granted under the Duke of Zhou were occasional interest-free loans granted to people who needed funds to pay for funerary and other ceremonies, not regular loans to be taken out by every household. The objective of the scheme was not to generate any surplus for the state treasury. Similarly, Guan Zhong's price regulation scheme was not a permanent institution, but employed to regulate the market price when necessary ("an occasionally employed scheme to react to temporary problems" 觀時弊而行非常法). Ordinary men in charge (REN) are in general not capable of administrating such policies in such an expedient way because they cannot empathize with the common people (renmin zhi xin 仁民之心) and only care for personal profit. The combination of merchants' attitudes (shangjia zhi yi 商賈之意) with official position (juguan zhi zun 居官吏之尊) is a bad one. People can evade merchants if they are corrupt and greedy, but they cannot evade their local officials. Were these officials advised to implement the schemes from the Western Zhou or Spring-and-Autumn period today, they would force people to take loans with an interest, buy up grain when there is no surplus on the market, and sell it regardless of whether or not this has a beneficial or bad influence on the market at a fixed date.

2.6 Salt monopoly

This subchapter analyzes the use of the REN-FA-polarity in texts dealing with problems connected to the administration of the salt monopoly.¹ The consensus of the five writings discussed in this chapter is that the salt monopoly is failing because men (REN), both officials and private individuals, are disregarding the established regulations (FA) of the salt administration. The strategies for action proposed on the basis of this shared understanding, however, differ, with one authors proposing to emphasize integrity in the recruitment of officials, others proposing reforms of the regulations (FA) that render abuse more difficult or unprofitable, or a combination of both.

The management of the government's monopoly on the production and sale of salt was the responsibility of the Salt Administration (headed by the yanzheng 鹽政), one of the so-called Three Great Administrations (san da zheng 三大政), three functionally specialized bureaucracies that were set apart from the regular civil administration and the military. The other two Great Administrations were the Grain Tribute Administration (headed by the caoyun zongdu 漕運總督) responsible for collecting and delivering of grain tribute from eight southern and central provinces to the Beijing area, and the Grand Canal Administration (headed by the hedao zongdu 河道總督) for the maintenance of the Grand Canal and parts of the Yellow River infrastructure.² All three administrations were centered in Beijing and their provincial arms paralleled the regular provincial administration. The efficiency of all three administrations started to decline in the late Qianlong reign due to corruption and mismanagement. Influential officials created sine-cure posts in these three agencies for expectant officials under their patronage (houbuguan 候補官).³ Their reform therefore became an area of heightened attention in the Daoguang reign.

The salt administration in Qing times divided China into eleven administrative regions. The so-called Lianghuai region was the most significant of the eleven administrative regions in terms of tax revenue. Salt from the coastal area of Jiangsu was distributed to consumers in Hubei, Hunan, Jiangxi and Anhui. The specific administrative setup varied in each of the eleven regions. The Qing dynasty had adopted the basic mode of operation of the salt monopoly from the Ming dynasty, but had at the same time expanded the salt bureaucracy in order to better enforce the monopoly, suppress smuggling and secure state revenue. In some districts, magistrates were jointly responsible for collecting the relevant taxes, in others, there were special salt officers. However, the magistrates were always responsible for ensuring that the centrally determined quota of licensed salt was sold.

One common source of problems was that smuggled salt tended to be significantly cheaper than licensed salt, and that people therefore preferred to buy smuggled salt. In the Lianghuai region capital costs connected to the salt trade started to rise in the Jiaqing and Daoguang reign due to balloon-

¹The HCJSWB, HCJSWBB/ZHANG, HCJSWXJ/RAO, HCJSWXB/GE and HCJWXB/SHENG all dedicate several chapters to topics concerning the administration of the salt gabelle.

²Hucker (1985), p. 402.

³Mann Jones & Kuhn (1983), pp. 121, 123, 128

ing customary fees collected by the different organs of the salt bureaucracy from the salt merchants. What further added to the capital costs were customary fees collected by local officials and the militia dispatched to suppress smuggling. Salt merchants passed the costs on to the consumers, resulting in rising salt prices. Salt merchants had to cope with low returns, while more and more people turned to the black market for smuggled salt.¹ This made it hard for magistrates to enforce the sale of the licensed salt in full quota. The involvement of organized crime in the smuggling also became an increasing threat to law and order in the countryside. This led to a series of dismissals in the Daoguang reign, most prominently of the Lianghuai salt supervisor Fuzhulong's 福珠隆阿 (fl. 1801–1837) and the governor-general of Liangjiang, Jiang Youxian.²

The most prominent reform of the Lianghuai salt administration was the ticket system (piaoyan 票鹽) enacted under Tao Zhu and chiefly devised by his advisers Bao Shichen and Wei Yuan in the Northern Huai region from 1832 onwards. The ticket system abolished the monopoly of Yangzhou merchants on the wholesale of salt and facilitated the payment process through the introduction of tickets that licensed the purchaser to buy and sell a certain amount of salt. The introduction of the ticket system was accompanied by measures such as tighter control of illegal surcharges and reduction of official personnel that all aimed at rendering smuggling unprofitable and at rendering legal salt more competitive than black market salt.³

This section discusses the use of the REN-FA polarity in five writings on the salt monopoly. The first text by Deng Qinglin deals with the salt monopoly in Shanxi during the Tongzhi reign, i.e. the 1860s. The remaining four texts all discuss the salt monopoly in the Lianghuai (and Liangjiang) region, and were written during the Daoguang and the Tongzhi reign, respectively. The first of the remaining texts discussed is a memorial by Tao Zhu motivating a reform of the Lianghuai salt monopoly and presenting a first reform program that he enacted from 1831 onwards.⁴ The other three texts by Jin Anqing, Luo Bingzhang and Li Zutao, written in the 1850s, all refer back to Tao Zhu's reform. Problems in the enforcement of the salt monopoly in most of districts of the Lianghuai region had developed into a major crisis by 1830. Not only did widespread smuggling negatively affect the sale of licensed salt and thereby government revenues, it also posed a serious threat to law and order as criminal gangs became involved in the smuggling business.

The question that authors deal with in the specific cases is whether strict law enforcement of the existing regulations will render the monopoly effective again, whether the regulations (FA) have to be changed, or both. Previous scholarship identifies three schools of reform: stricter law enforcement, low-

¹Liu (2005), pp. 235–236.

²Sokoloff (1980), p. 76.

³Most outlines of the administration of the Lianghuai salt monopoly during the Qing dynasty focus on Tao Zhu's reforms of the monopoly in the Northern Huai region. See, for example, Mitchell (1970), pp. 80–99, Metzger (1972), sokoloff1980, Liu (2005). See Ho (1954) for a perspective on the Lianghuai merchants. For a cultural and technical history of the Chinese salt monopoly, see Vogel (forthcoming).

⁴This memorial does not yet present the ticket system that Tao Zhu developed together with Bao Shichen and Wei Yuan one year later.

ering the salt price by appropriate means to combat smuggling (*jianjia disi* 減價敵私), and levying the tax directly from the producers, which was referred to as “taxing salt at the yards” (*jiuchang zhengshui* 就場徵稅).¹ Authors do not in general perceive of the merchants involved in the trade as a more problematic group than the officials and sub-official functionaries, and regard their commercial interests as legitimate. An anonymous author puts the optimal distribution of benefits as follows: “the state benefits above, the people benefit below, and the officials and merchants in the middle also get their legitimate share of the benefits” 上益國，下益民，而中之官與商亦交受其益。² What the author wants to see prevented is profiteering of public and private agents by illegal means, i.e. embezzlement of public funds (*zhongbao* 中飽) and smuggling.

The theme of regulations (FA) that are inherently deficient vs. regulations that are not complied with or abused by the men in charge (REN) resonates in all the texts on salt administration discussed here. The tenor is that effective administration needs adequate regulations (FA), but that regulations can only be effective if men (REN) execute them and comply with them. Deng Qinglin advocates the enforcement of the existing regulations of state shipment and sale in Shanxi, which he associates with the recruitment, monitoring and sanctioning of “men (REN) who order the state”. Deng states that after the right regulations (FA) are in place, it is crucial to acquire the right men (REN), local magistrates in Deng’s case, to implement them. Tao Zhu attributes the problems of the Lianghuai salt administration to the disregard of the men (REN) involved both on the official and the merchant side for the regulations (FA). Tao proposes a reform of the regulations (*zhangcheng* 章程) to render abuse inherently more difficult to commit and conceal. The rationalization of transportation routes and modes is to enhance central control, tighter controls are to eliminate illegal official surcharges, short weighings and other dishonest practices. If these new regulations were enforced, it could lower the price of legal salt and render smuggling unprofitable, Tao argues. Jin Anqing similarly associates corruption with disregard of the men (REN) involved in the operation of the salt monopoly for the established regulations (FA). Jin advocates reestablishing and enforcing the regulations in force during the Ming dynasty. Luo Bingzhang proposes a six-point program to eliminate dishonest practices in the salt administration and associates the enforcement of this program and the regulations (FA) in general with the recruitment of the right men (REN) into the administration. Li Zutao, finally, emphasizes that to ensure a high chance of being effectively enforced, regulations (FA) need to be enforceable by and executable by any man (REN), not just particularly capable and virtuous officials. An important characteristic of such regulations (FA) are the reliance on as few official personnel as possible and as a sale to merchants as direct as possible.

The provincial censor in Shandong province Deng Qinglin 鄧慶麟 (fl. between Daoguang and Guangxu reign) builds his arguments for strict law enforcement on the assertion that the current regulations (FA) are not inherently deficient, just utterly disregarded by the men in charge (REN). Writing

¹Sokoloff (1980), pp. 76–93.

²HCJSWSIB/HE, 20:8a–b

during the Tongzhi reign (1862–1874), Deng advocates not to alter the current regulations for the administration of salt affairs in Shanxi province.¹ His stance is strict law enforcement instead. Deng points out that at the time of writing, the salt tax is the main source of state revenue from Shanxi province, as the land-and-labor service tax has been suspended because of a severe drought. The administration of the salt monopoly is not equally successful across the province, however. In some places, it is effective and legal salt sells well. In other places, the markets are flooded with smuggled salt, so that official salt does not sell and the revenue from the salt tax is negligible.

The root of insufficient law enforcement lies with the men in charge (REN), Deng says. Many local officials are not up to the task of enlisting wholesale merchants and overseeing the distribution of government salt as required by the system of state shipment and state sale (guanyun guanxiao 官運官銷).² Deng contrasts the efficacy of the arrangement of state shipment and state sale in the past with inefficacy at the time of writing that results from disregard of the regulations in many localities. When state shipment and state sale was still widely in force, Deng says, it ensured that the salt price was kept at a reasonable level so as to avoid competing for benefits with the people (yu min zhengli 與民爭利). Officials took their duty of securing the meeting of the salt tax quota seriously, not least because it was relevant for their ranking in the regular performance evaluations. This also kept them from getting involved in the smuggling of salt, as that would have lead to a drop in salt taxes.

Overwhelmed by the diverse duties they faced, more and more newly appointed magistrates have left the salt business in the hands of head merchants over time, however. With the management of official salt business completely in the hands of private merchants, the designation of official in charge of transport (yunguan 運官) is reduced to an empty title (xuming 虛名), Deng says. For Deng, this amounts to a disregard of the regulations and has lead to a number of further detrimental developments. Neglect of oversight of the chief salt merchants or even tacit agreements between merchants and officials leaves the merchants room to engage in illegal activities. For each certificate they acquire, the head merchants are entitled to receive a certain amount of salt on top of the certified amount, to make up for losses incurred during transport. Instead of contenting themselves with the amount specified in the regulations, many merchants raise claims to receive more than double that amount. As they can sell this extra salt duty-free and earn an extra profit, merchants give the sale of the extra salt priority to the official salt that is subject to taxation. This leads to a lower consumption of official salt, which is a problem for the magistrates, who have to ensure that a certain sales quota is reached. Furthermore, practices such as using manipulated scales and adding muddy water to the salt are common among merchants, which harms the interests of the common people, who receive less for the same price.

In order to prove that magistrates can prevent this kind of development and enforce the current salt regulation, Deng cites two examples of Shanxi magistrates, a Magistrate Lai and Magistrate Hu. Deng

¹HCJSWXJ/RAO, 50:59a; HCJSWXB/GE, 46:1a.

²Shanxi belonged to a number of regions where the salt business was under government management during the Qing dynasty. In these areas, magistrates were directly involved in the transport and sale of salt. Ch'ü (1962), pp. 298–99.

suggests that the two committed men were able to reverse local fortunes by counteracting the both above mentioned problems. Lai and Hu enforced state shipment and state sale of salt by closely overseeing merchant operations and prosecuting fraudulent practices. Deng credits the two magistrates with securing both the state's interest by fully meeting the sales quotas, and the common people's interest, as evidenced by outspoken praise on the part of the local community for their magistrate that Deng underlines in both cases.

Having presented his evidence that the enforcement of state shipment and state sale is a realistic goal and that it contributes to the efficacy of the salt administration, as it helps to achieve the bureaucracy's goals of providing state revenue while protecting the people's livelihood, Deng advances his conclusion. He reiterates his demand for better oversight of salt merchants by the state agents and strict enforcement of current regulations that clearly state that salt smuggling has to be consequently prosecuted. From a moral standpoint, salt smuggling means tax evasion and therefore illegal profit, Deng says. Provincial authorities should therefore make sure that magistrates adhere to the current regulations. They should take the exemplary magistrates cited above as example and put their energy into the management of salt affairs instead of leaving the field to irresponsible merchants. Deng files law enforcement under the aspect of REN. Varying Xunzi's dictum that "it is men (REN) who order the state, not regulations (FA)", he states that his demands are in line with "what we mean when we say that after the right regulations (FA) are in place, it is crucial to acquire the right men (REN)" 所謂有治法尤貴有治人也 to take care of its implementation.

In 1830, the beginning of his governor-generalship over the Liangjiang provinces, Tao Zhu outlines the central ideas of his reform proposal for the Lianghuai salt administration.¹ Tao is more reserved in this memorial than Deng Qinglin when it comes to making promises of success for his reform plans. One of the arguments that Tao cites in favor of his reform proposal rests again on the view that regulations (FA) can only be effective if they are complied with by the men (REN) involved in the salt administration and salt business, and that no regulation (FA) is completely immune to abuse. The problem with the current salt regulations (FA) is not that they are impracticable and therefore force men (REN) to circumvent them, but that men (REN) deliberately disregard them: "This is not the regulations (FA) corrupting the men (REN) involved, but in fact the men (REN) outrightly discarding the regulations (FA)" 此非法之敝人人實廢法.

Tao sees this disregard of men (REN) for the established regulations (FA) manifested in three illegal practices that contribute to the inefficacy of the salt monopoly. The first illegal practice are numerous surcharges (fufei 浮費) that increase the cost of salt for merchants and reflect upon the consumer price of salt. Officials and functionaries in both the salt producing and the salt consuming regions demand fees for various regular and irregular items from merchants, such as anchorage, stationaries and refur-

¹HCJSWXB/SHENG, 51:41a–50b; also included in HCJSWXB/GE, 42:3a–b. See Mitchell (1970), pp. 89–91, for a brief outline of the context of this memorial and the fifteen reform points suggested in it.

bishment of the yamen. Officials habitually demand several times their actual expenses for said items from merchants. The second illegal practice is the clandestine carrying of large quantities of untaxed salt for private sale on the part of merchants, shippers and their hired hands. Sellers can make bigger profits from the untaxed portion of the salt and therefore give its sale priority, selling it at favorable conditions to buyers. This leads to a reduced demand for licensed salt. The third illegal practice smuggling activities of organized smuggling networks. Places in the Northern Huai region notorious for being hot spots of smuggling activity are not policed effectively, as police men frequently collaborate with the smugglers. Even harder to control and reign in are smugglers who cross the borders with salt from other provinces.

Tao proceeds from the same premise as Deng Qinglin that the disregard of men (REN) for the established regulations (FA) is at the heart of the inefficacy of the salt monopoly. The way in which Tao embeds the assertion into the logic of his argument is different from Deng's use of the polarity in this context, however. Deng had referred to men's disregard of the regulations as an argument for strict enforcement of the existing regulations. Tao, on the other hand, regards it as a sign that a major reform of the salt administration is necessary. Tao argues that the regulations of the current system are so habitually disregarded by the parties involved that a major reform is the only way to restore respect for the laws.

“The root of the problem is actually that established regulations (FA) are regarded as formalities without practical relevance. Lack of discipline has reached a point where (respect for these regulations) cannot be restored. Attempts to tackle the defects one by one with some slight revisions here and there will not reverse this. The only solution left is a major revamp of the statutes.”

而推求致病根源。實因視成法為具文。久之遂渙散而不可收拾。誠非區區補偏救弊所能轉機。惟有將舊章大加厘剔。

Disregard for the existing regulations has become so deep and widespread that it cannot be regained by means of law enforcement. The salt administration has to be reorganized. The statutes have to be revamped in a way that abuse becomes inherently more difficult and illegal actions become inherently more difficult to conceal. Tao sketches the scope of a fifteen-point reform program that comprises the institutionalization of financial audits and the exchange of head merchants in order to curtail corruption and nepotism, and the standardization of scales and buckets and the registration of transport vessels in order to prevent fraudulent practices during wholesale and transport. All non-transparent surcharges are to be prohibited. This will lead to a considerable reduction of the price of legal salt and make it competitive with smuggled salt. Tao assures that for all these measures there are precedents which can be followed (*jiu che ke xun* 舊轍可循), which is a point that makes his proposal superior to the solution of taxing salt at the yards.

Jin Anqing 金安清 (1817–1880), salt distribution controller in Hubei, proceeds from the same premise as Tao Zhu, that the decline of the salt system in the Jiaqing (1796–1820) and early Daoguang reign is

not due to an inherent defect of the regulations (FA), but to the utter disregard of the regulations (FA) by the men (REN) involved in the administration and trade: “the men involved (REN) undermined the regulations (FA), it was not the regulations (FA) that forced the men involved (REN) to commit abuses.” 乃人敝法非法敝人也.¹ Although Deng Qinglin, Tao Zhu and Jin Anqing depart from the same premise, Jin’s proposal is neither entirely in line with Deng’s stance of strict enforcement of the current regulations, nor with Tao’s proposal of reforming the current regulations (FA). Instead, Jin proposes a return to the regulations (FA) that were in place when the efficacy of the system started to decline, the system that the Qing had inherited from the Ming. He argues that if it is not the regulations (FA) that are at fault, but the men involved (REN), it is best to enforce the old system inherited from the Ming and count on its strict enforcement by the men in official charge (REN).

Writing several decades after Tao Zhu’s reform of the Northern Huai salt administration, Jin recapitulates Tao’s reforms, as well as two further reforms aimed extending the ticket system to the Southern Huai salt administration. He credits Tao with successfully transforming the salt administration of the Northern Huai region during his time as governor-general in Liangjiang. However, Tao never undertook a reform of the salt administration in the other area that was part of the Lianghuai salt administration, the Southern Huai region.² When a successor of Tao as governor-general of Liangjiang, Lu Jianying 陸建瀛 (1792–1853), instituted Tao Zhu’s ticket system in the South some fifteen years later, it failed. Lu Jianying started to restore the old system just when the Taiping uprising began to wreak havoc in the region. After the Taiping had been fought back by imperial forces, Zeng Guofan became governor-general of Liangjiang. In 1863, he instituted a reform that Jin presents as a rather successful compromise between the Ming system and Tao Zhu’s ticket system. It licensed a larger pool of merchants to buy tickets and trade in salt, but placed these licensed merchants under tighter control.

The only problem that remained was that in the large ports, salt from the Huai region currently had to compete against cheaper, but lower-quality salt from other regions. To make the salt from the Huai region more competitive, Jin argues, large dealers have to reenter the market because only they dispose the means to buy large quantities of salt and adjust the prices flexibly. This amounts to a return to the early Qing system inherited from the Ming dynasty. Jin claims that this system has proved its efficacy by staying in operation for several hundred years and is also the way to solve the current problems. The preconditions for its success is the recruitment of upright officials (xiancai 賢才), the allocation of an appropriate budget, the establishment of clear regulations and the strict enforcement of official duties.

This section concludes with one memorial written shortly after the outbreak of the Taiping rebellion and one probably written shortly before the rebellion that present strategies for ensuring that men (REN) comply to the regulations (FA). For the sake of the argument, the two memorials are discussed in reverse chronological order. The first memorial is a six-point program to increase tax revenues from

¹HCJSWXB/SHENG, 14:1a–4b.

²Wei Yuan was working on an essay proposing a scheme for extending of the policy to the Southern Huai region in 1839, but Tao Zhu died before Wei Yuan could present the essay to him as intended. Mitchell (1970), p. 117.

Huai salt presented by the governor of Hunan, Luo Bingzhang 駱秉章 (1793–1867), in 1855.¹ Luo's first point is the abolition of the lijin on salt, the commercial tax collected on consumer goods in transit levied to provide for the provincial forces fighting the Taiping. The salt lijin hampers the salt trade and deprives the army of revenues from the salt tax, its other big source of funding, argues Luo. The taxation of salt at the numerous lijin posts along the transportation routes renders the salt business unprofitable for merchants and delays the delivery of the salt to consumer regions. This reduces the tax revenues obtained from the sale of salt certificates in the end. Furthermore, most of the lijin levied from salt merchants is withheld by tax agents who only report a tenth of the taxes they collect (zheng shi bao yi 徵十報一). As a result, the amount of salt lijin that actually arrives at the state treasure is not enough to feed the armies. Luo's second point is the enforcement of the prohibition of salt smuggling, especially smuggling activities involving the personnel of the salt administration itself, in order to increase the sale of legal salt. His third point is the reduction of sinecure posts along the trading routes that notoriously overcharge when collecting customary fees from the merchants, in order to reduce the merchants' capital burden. The same is true for the fourth point, enforcement of the limitation of the administration fees (jingfei 經費) to twenty percent, that is already part of the existing regulations. Luo's fifth point consists of fixing the price of salt on a level high enough to ensure that the salt workers can make a living. Finally, waterways must be maintained in a good state to ensure smooth transport.

Luo presents these six points not as reforms but rather as minor adjustments meant to facilitate enforcement of the existing regulations (chu bi xing li 除弊興利). He frames the whole solution as “hiring the right men (REN) so that the regulations (FA) will stand by themselves” 得人則法自立. Luo urges the emperor to dismiss inept bureaucrats and replace them by upright officials (xianyuan 賢員).²

“It is difficult to understand fully what will benefit and what will harm the salt administration in the Northern Huai region. But if the right men (REN) can be put in charge, the regulations (FA) will establish themselves. And if the defects are removed, the benefits can naturally be enjoyed.”

皇上簡放新任。必能破除情面。任用賢員。惟淮北利弊所在。恐難周知。臣愚以為得人則法自立。除弊則利自興。

Judging from the fact that Luo spells out his ideas of appropriate regulations (FA) in some detail, when he speaks of “the regulations (FA) establishing themselves (FA zili 法自立), he rather seems to have in mind that the upright officials help to enforce existing regulations, like Deng Qinglin and Jin Anqing did, rather than that they should devise and institute major changes. His point seems to be that the choice of personnel is important and that law enforcement depends on hiring superiors (REN) with enough integrity to closely supervise the enforcement of the regulations (FA) among their staff and con-

¹HCJSWXJ/RAO, 49:14a–17b; HCJSWXB/GE, 43:13a–14b.

²See Liu (1959) for an introduction of what the classifications of Chinese bureaucrats implied across time and different writing genres.

sistently sanction illegal actions. Following this interpretation, “the regulations establish themselves” can be rendered as “the regulations enforce themselves” or “are enforced as a matter of course”.

It is likely that Li Zutao 李祖陶 (1776–1858) wrote formulated his approach to foster compliance to FA before the outbreak of the Taiping rebellion, as he calls Lu Jianying’s regulations enacted shortly before the Taiping uprising the “current regulations (FA)” (jin fa) 今法 and makes no mention of the rebellion and its disruptive effects on the salt administration.¹ Instead of insisting on the need to recruit men (REN) of outstanding integrity (xianyuan) to enforce the regulations (FA), he emphasizes the need to make regulations (FA) that even men (REN) of less than outstanding integrity can implement and comply with. Li’s credo is that proper regulations (FA) can be executed by everyone, not just by persons of outstanding integrity.

“There is the old saying that ‘any regulation (FA) established stands and falls with the capability and willingness of the men in charge (REN) to execute it’. I do not think that regulations (FA) established with this idea in mind are good regulations (FA). Good regulations (FA) are regulations (FA) which turn out to be executable by anyone.”

前人有言凡立一法必待其人而後行者。非良法也。必人人可行而後可稱良法。

Li walks the reader through several historical and recent scenarios from the salt administration to illustrate his hypothesis. For the historical part, Li draws heavily on a treatise on salt trade by Gu Yanwu (placed prominently in the HCJSWB).² Quotes from Gu Yanwu’s treatise provide the foundation for Li’s discussion of Tao Zhu’s and Lu Jianying’s reform of the salt administration in the Lianghuai region. Gu Yanwu’s treatise is a collection of historical precedents that strung together into a narrative by a running commentary. The commentary presents the precedents as evidence that strict law enforcement alone does not render the salt administration efficient and that a more liberalized system with more economic incentives and less government personnel involved is the preferred alternative.

Li states that the historical necessity to establish the salt monopoly arises from the fact that the state needs an additional stable source of revenue apart from the land-and-labor-service tax. A perennial source of problems was the staff of the salt administration. Periodic overstaffing lead to rising levels of corruption. The people and the state had to face financial losses, while corrupt officials and functionaries profited. The lesson to be drawn from this is that overstaffing should be counteracted and salt should be passed on to merchants as directly as possible. Li quotes a passage from Gu Yanwu that presents the successful reforms of Liu Yan 劉晏 (716–780), a shining figure in the Tang dynasty financial administration. Liu Yan reduced the number of official personnel involved in the salt administration. He only stationed officials at the salt producing regions and some strategic inland points where they sold salt directly to the merchants and could react flexibly to changing market conditions. The success of the policy

¹HCJSWXJ/RAO, 49:11a–13b; HCJSWXB/GE, 42:14a–15b.

²HCJSWB, 49:3a–6b.

manifested itself in a tremendous rise in sales quotas Liu Yan had managed to secure state revenue without impoverishing the people.

Li continues citing Gu Yanwu with his comments on his contemporary Li Min's 李雯 (1608–1647) arguments for taxing salt at the yards. Li Min suggested that having only one tax, collected directly at the salterns or saltern fields, would decrease the profitability of smuggling salt. If the salt tax was charged where it was produced, this would render the price difference between official and smuggled salt negligible. Gu Yanwu comments that the good point about Li Min's plan is that it takes into account that the main factor rendering the salt monopoly ineffective is that its implementation relies too heavily on too many officials and functionaries.

Li ends his selective quoting of Gu Yanwu's essay with passages in which Gu Yanwu expounds why strict law enforcement alone will not stop the smuggling of salt if the general circumstances render smuggling attractive. If the smuggled salt comes from a nearby place and is cheaper and of better quality than legal salt, people will always opt for smuggled salt. This reduces the sales quota of legal salt, and attracts criminals at the same time. With the circumstances in favor of the smuggling business, it is not effective to operate with prohibitions and arrests. Smuggling will continue as long as the conditions do not change, as "government laws cannot change what a geographical location renders favorable" 此地利之便非國法之所能禁也. Li underlines that many memorials picked up Li Min's arguments and proposed reforms, but none of them were endorsed by the court until the governor-general of Liangjiang, Tao Zhu, was allowed to reform the salt administration and introduce his ticket system in the Northern Huai region. Here we see that what Li regards as the most important point of Li Min's approach is not his idea of "taxing of salt at the yards" per se. Li regards Tao Zhu's ticket system as a confirmation of Li Min's strategy, although Tao Zhu explicitly rejected the viability of "taxing of salt at the yards" in the Lianghuai region. The crucial points of Li Min's strategy that Li Zutai sees confirmed in Tao Zhu's plan seem to be instead the fact that there is a realistic chance of successful enforcement under the given circumstances, and that the number of officials and functionaries required is minimized. Li points out that pushing Tao Zhu's reform through in the other half of the Lianghuai area, the Southern Huai region, proved difficult because of the many people with vested interests in the old system who were influential enough to prevent the reform.

A big fire catastrophe that destroyed part of the salt fleet triggered another reform effort by Tao Zhu's successor in office, Lu Jianying, to extend Tao Zhu's system to the Southern Huai region. Similar to Tao Zhu, Lu Jianying figured that official salt did not get sold because it was more expensive than smuggled salt and that this was due to the high price of silver (as compared to copper cash) and the soaring extra fees collected along the salt's way from the producers to the consumers. To counter smuggling he set out to lower the price of official salt by abolishing surcharges and lowering the salt tax (tanjian keze 攤減科則).

Lu Jianying's reform has been successful in so far as it brought down the salt price considerably, says Li. However, the system has its weaknesses, he warns. Even according to the new statutes, there are still

numerous officials and functionaries in place. Furthermore, the new system is similar to Tao Zhu's ticket system, but it allocates too much power in the hands of officials, without the necessary controls in place. The rationale behind this seems to be the common assumption that any regulation (FA) established depends on the capability and willingness of the men in charge (REN) to execute it anyway (and that this readiness is more likely to be found in officials), suspects Li. But this is a fallacy and will not result in good regulations (FA). Good regulations (FA) are regulations that any man (REN) can execute.

So the weak point of Lu Jianying's system is that its future success depends entirely on whether his successors will supervise its operation as closely as him. Otherwise, surcharges will surge again, salt prices will rise and the whole point of the reform will be lost. The central government cannot be expected to be of much help here, Li says. The court habitually fails to interfere in cases of rising surcharges, as is evident from the many cases of horrendous surcharges reported in the context of grain tribute shipments.

Li seems to equate regulations (FA) that anyone can execute no matter his integrity with regulations (FA) that can require the smallest number of government personnel possible. For him, less government personnel means less potential for abuse of power and embezzlement of money. This amounts to a distrust in the professional abilities and moral capacities of the government personnel (REN). Li seems to impute that the relevant authorities cannot be expected to perform their duty of oversight and control properly, and that their subordinates cannot be expected to refrain from levying illegal surcharges. This impression is reinforced by his hint that the court does nothing to counteract the spiraling surcharges levied in the context of the grain tribute shipments.

Conclusion

This chapter has examined the function of the REN-FA polarity in the political-administrative discourse of the pre-1898 statecraft compendia. The statecraft writings employ FA in the context of the REN-FA polarity to refer to what the author of this dissertation would call administrative solutions: particular institutions or specific regulatory frameworks such as the regulations for the administration of the salt monopoly in the Huaibei area. FA stands for control through centralized regulation combined with reporting requirements. Authors generally agree that regulations (FA) must be complied with, and that they should be adapted if this improves institutional efficacy and reduces the chance of abuse. Specifically, FA also refers to administrative sanctions. REN refers both to the men in direct charge of operating the administrative institutions and frameworks and to the men in charge of overseeing them in their operation. On a more abstract level, REN does not just stand for personal integrity and compliance of officials, but also their ability and readiness to monitor and sanction subordinate personnel to enforce compliance with administrative regulations. Many authors underline that sanctions must be consistently and rationally applied to have an optimal effect. This is why authors often attribute the aspects of monitoring and sanctioning in general to REN, rather than FA, although these aspects imply the administering of specific administrative sanctions. For the majority of authors, FA symbolizes control through centralized regulation combined with reporting requirements, while REN symbolizes control through careful appointments, monitoring and sanctioning, but less centralized regulation and requirements and instead more local flexibility in implementation. Still, for some authors (e.g. Huang Liuhong), monitoring and sanctioning counts towards the aspects of FA and only personal integrity and compliance are counted as REN. As will be discussed in chapter 4, this changes altogether in the last years of the Qing dynasty, when authors increasingly employed FA to refer to the institutional framework in its entirety, which was then extended to comprise mechanisms of monitoring and sanctioning, as well as education, appointments and remuneration.

The REN-FA polarity is used to discuss two important problem constellations that fall under the umbrella of the relationship of regulation vs. implementation: control vs. flexibility and sound institutions vs. human agency. Authors discuss how to balance control through central commands and reporting requirements (FA) with the need for local adaption and flexibility of the local personnel (REN). Authors concede that central control and regulation is necessary, but that it must be rationally balanced with efficacy.¹ Statements that point out that regulations (FA) give rise to abuse and cannot be relied upon are not just the entry point for demands to abandon procedural rules, recruit virtuous officials and grant them extensive autonomies instead. An emphasis on REN over FA in this context must not mean that an author opts to dispense with regulations altogether. The author may rather suggest to pass the competence to regulate certain locally dependent details such as quotas to the local level.² Authors also discuss

¹See Zhou Hao's request that only end results should be reported but not every step that leads up to them discussed in chapter 2.3.

²See Guo Songtao's memorial discussed in chapter 2.4 for an example.

the role of human agency in complying or not complying with established regulations (and in making sure that others comply with the regulations) as compared the potential of the regulatory frameworks and institutions to decrease opportunities for abuse and corruption. Emphasis on REN points to the role of human agency in complying with rules and implementing regulations and also to the monitoring of subordinates and the consequent application of sanctions. While authors emphasize that recruitment must prefer men of integrity and appointments must take individual capabilities into account, they also recognized the necessity “to provide objective rather than subjective restraints on the uses of power”.¹ At the same time, both administrative regulations and administrative sanctions (FA) must be as simple and rational as possible so that the potential of the men in charge (REN) can be utilized to the fullest.

The writings discussed in the section on civil governance employ REN and FA to propose improvements concerning all aspects of the internal organization of the bureaucracy (recruitment, appointment, monitoring and sanctions, task structure) to increase efficacy and contain corruption. Authors associate aspects of recruitment and appointment with REN, while monitoring and sanctions in combination with task structure are attributed to REN by some authors and to FA by others.

The consensus of the writings discussed in the section on taxation is that efficacy of taxation (low corruption) lies in creating constellations in which men (REN) are unlikely to engage in abuse. One strategy proposed to create such a constellation is the establishment of procedural rules (FA) that render abuse as difficult as possible (for example by specifying clearly demarcated responsibilities the fulfillment of which is easy to monitor and hold individuals accountable for), and performing consistent monitoring and sanctioning. Another strategy proposed is to put honest men (REN) in charge and granting them autonomy to flexibly adapt details to the local circumstances.

The authors of the writings discussed in the section on granaries similarly underline that efficacy of granaries depends both on establishing adequate regulations (FA) regarding the operation of the granaries and in putting reliable men (REN) in charge. Everything being equal, some regulations are better than others and provide a much higher chance that the men in charge (REN) successfully operate the granaries. Recourse to positive and negative sanctions is also mentioned but does not receive as much emphasis as in the debates on civil governance and taxation. It is notable that authors regard the ultimate dependence of the efficacy of institutions on the integrity and commitment of the personnel (REN) variously as a chance (Lu Shiyi) and as an intolerable risk (Huang Shisan).

The authors of the writings discussed in the section on the salt monopoly argue that the salt monopoly suffers from an implementation deficit. Regulations (FA) are not adhered to by the different parties of men (REN) involved (officials, wholesale merchants, smugglers). Among the solutions proposed are the reform of the regulations (FA) that renders abuse less attractive or easier to prevent, strict enforcement of the regulations through recruitment of capable magistrates, as well as consistent monitoring and sanctioning and a clear task structure.

The flexibility of the REN-FA polarity is evidenced by authors departing from different different

¹Metzger (1973), p. 236.

rhetorical statements and arriving at the same proposal. For example, in chapter 2.5, Huang Liuhong and Lu Shiyi both propose a similar combination of public granaries and ever-normal granaries, but Huang's stance emphasizes the role of men (REN), while Lu emphasizes regulations (FA). It is also evidenced by authors referring to the same statement and interpreting it in divergent ways. This happens with "it is men (REN) who order the state not regulations (FA)" and "relying on men (REN) not on regulations (FA)". Some authors interpret the two phrases as a universal principle effective in administration or human society. Guo Songtao's memorial on the lijin tax discussed in chapter 2.4 is an example. He uses the phrase to argue for keeping existing regulations (FA) in place, and rely on trustworthy personnel (REN) to adequately interpret and enforce them. Others such as Sun Hao and Liu Shutang regard it as a principle that is active in some contexts but not in others. Gao Chengling and Sun Jiagan, on the other hand, regard the phrase as the description of a state of underregulation in a certain administrative area, a problem that introduces arbitrariness and intransparency into the administration. They therefore use the phrase to argue for a reform of regulations or a return to former regulations, in combination with better enforcement of regulations.

The tenor of the writings examined in this chapter is that the efficacy of institutions depends both on adequate regulations (FA) and on competent men (REN) who administer the institution in accordance with the regulations. No regulation (FA) is entirely safe from abuse, and there is also no fail-safe way to check men's (REN) integrity. Containment of corruption, therefore relies on recruiting men (REN) who are least likely to deviate, establishing clear responsibilities, and monitoring and sanctioning them consistently. It furthermore relies on establishing procedural rules that render deviance difficult.

3

Conditions and goals of efficacy

THIS CHAPTER DISCUSSES THE ROLE of three polarities, MING-SHI, GONG-SI and LI-YI, in Qing dynasty statecraft discourse. This dissertation calls MING-SHI and GONG-SI the “conditions of efficacy” because in discussing the proper balance of the poles, authors reason about the conditions of efficacious government. These conditions are, for example, the proper balance between formal and informal systems in the bureaucracy, the correspondence of official responsibilities and performance, and between saying and doing, in the case of MING-SHI. The GONG-SI polarity figures most importantly in discussions of the proper balance of orientation towards the public good and motivation by private interests. LI and YI are called the “goals of efficacy” because the LI-YI polarity is most often employed in the discussion of the proper goals and ends of government. The politically correct consensus is that governance must serve first and foremost the people, not the state. Authors differ in what and how they propose to benefit the people and promote the “greatest happiness of the greatest number”.

Separate sections in the subchapters dedicated to each of the polarities discuss the use of the polarity in the discourse predating the Qing dynasty, sketch its functions in the discourse of the pre-1898 statecraft compendia, and trace its use in debates pertaining to a specific administrative area. As the subchapters on the pre-Qing history of the polarities show, all three polarities already played a role in statecraft discourse before the Qing dynasty, and never quite disappeared from its surface.¹

In the context of fiscal debates discussed in subchapter 3.1.3, MING-SHI is employed to refer to the frictions between the bureaucracy’s formal and the informal system of funding, as well as to interrogate the honesty of political claims. The GONG-SI polarity is referred to frequently in debates of personnel politics. An orientation towards the public interest (GONG) and a critical awareness of and distance to-

¹See Levine’s (2008) work, referenced several times in this chapter, from which we can get a glimpse of the use of the polarities in the Song dynasty discourse connected to Wang Anshi’s reforms.

wards one's own private interest (SI) is expected first and foremost of the civil servant. How to use the instruments of personnel policy (recruitment, appointment, monitoring and sanctioning) to produce a public-minded bureaucracy is the subject of the debates in subchapter 3.2.3. The LI-YI polarity is rarely employed in actual debates on concrete policies, which tend to directly employ LI as a standard of validity. The subchapter 3.3.2 therefore focuses on the usage of the polarity in theoretical writings. It attempts to establish that the essays of Wei Yuan bridge the logical gap between conventional treatment of the compatibility of LI and YI that restricts the predicate of "righteous benefit" to traditional measures associated with promoting economic subsistence and the straightforward use of LI as a positive predicate in statecraft writing.

The theme of organizational control is prominent in the context of formal and informal systems within the bureaucracy, and the capabilities of the "average man" appear again as touchstone of effective administration. The discrepancy between formal regulations (MING) and actual compliance (SHI) is interpreted as a sign of decline of dynastic power. Monitoring and sanctions (both positive and negative) are emphasized as means to enforce the correspondence between MING and SHI.

While not all authors regard perfect altruism as a necessary qualification for public office, free pursuit of private interests on the part of officials is associated with abuse of power and corruption. Mann Jones and Kuhn (1983) assert that the central government's "role in dominating and defining the sphere of public interest" was irreparably damaged as its "capacity to defend its realm against the assertion of private interests" eroded in the course of the late and post-Qianlong reign, when patronage networks, salt smugglers, official and sub-official personnel turned public resources (tax revenues, military funds, hydraulic engineering projects, grain and salt distribution systems) and into private profit.¹

The objective that emerges from the statecraft writings is to reach a state of bureaucratic public-mindedness that is realizable with a work force consisting in its majority of "average men" who cannot be expected to be altruistic, but still have to be made act impartially and public-minded. The rhetoric of authors such as Wei Yuan and Wang Liu declares the benefit of the people the goal of government and detaches it from the Mencian methods of promoting economic subsistence. They demand the expansion of the range of government activities qualifying as "righteous", to include fiscal, monetary and economic policies.

¹Mann Jones & Kuhn (1983), pp. 161–162

3.1 MING 名 and SHI 實

The basic meaning MING and SHI is the “name” of an object and its substance or physical “reality”. On an abstract level, the name (MING) is a title, reputation or status designation that is connected to certain expectations with regard to the behavior of the bearer of the title. Expectations and actual behavior can be in tension, as men may not be inclined or even able to match the expectations implied by their title. This mismatch can lead to problems because it may obscure actual problems and make it hard to take effective action. Authors therefore tend to insist on the necessity of bringing name (MING) and reality (SHI) into congruence by either adapting name (MING) to reality (SHI), or by changing reality (SHI) to conform to the name (MING).

In the political-administrative context, the MING-SHI polarity is used to speak about official duties (MING) and their fulfillment (SHI), about the intended (MING) and actual outcomes (SHI) of a policy, about commands (MING) and their execution (SHI), and about political claims (MING) and their reality (SHI). When speaking about official duties, MING refers to the title of an official and the duties implied by the title, while SHI can be translated as “performance”.¹ SHI are the “empirical facts”, the actual outcome of a policy or the actual behavior of a person, as contrasted with the expected outcome or behavior according to the MING.

The first section of this subchapter presents a short overview of the MING-SHI polarity and its connection to two important related concepts, the “rectification of names (MING)” (zheng MING 正名) and the concept of “title and performance” (xing MING 刑名). The second section discusses the prominence of the MING-SHI polarity as subject of theoretical treatises included in the statecraft compendia throughout the nineteenth century. The third section examines the use of the polarity in debates related to taxation. In the case of the fiscal system, MING and SHI are used to discuss problems arising from the informal system of bureaucratic funding that co-existed with formal system of funding (MING).

3.1.1 PRE-QING POLITICAL CAREER

Depending on whether the context which MING and SHI figure in is a philosophical, social or bureaucratic context, MING can be translated as “name”, “reputation”, “title”, “claim” or “responsibility”, and SHI as “object”, “actuality”, “performance”, “behavior” or “deeds”.² The Mozi 墨子 (Book of Master Mo), a text presumably compiled between the fifth and third century B.C. by a number of anonymous

¹This translation of MING and SHI is used, for example, by Liu Guangjing in the context of the task of the Board of Civil Service to monitor and sanction officials’ performance or “comparing names and realities”. Liu (2000), p. 182.

²See, for example, Creel (1970), Graham (1978), Makeham (1994), Liu (2000). Makeham’s primary translation of MING and SHI is “name” and “actuality”. Liu translates the polarity as “responsibility” and performance”. Creel (1970), pp. 82–83, points out that the term MING had a multitude of meaning in the texts of the Warring State period, and that it was sometimes intentionally used in more than one sense in one passage. He suggests the translations “name”, “speech”, “reputation” and “title” for MING, and “reality”, “actual conduct” and “actual performance” for SHI. Creel suggests the basic translations “name” and “object”.

authors¹, discusses MING and SHI in the context of remarks on the nature of knowledge. It lists MING and SHI as two of four objects of knowledge: MING, SHI, he 合 (“how to relate”) and wei 為 (“how to act”). Knowledge starts with names that relate to objects and is completed in action.

“What something is called by is its ‘name’ (MING); what is so called is the ‘object’ (SHI).

The mating of name and object is ‘relating’. To intend and to perform is to ‘act’.”²

所以謂，名也。所謂，實也。名實耦，合也。志行，為也。³

The Mozi associates MING with the terms of a language, and SHI as objects referred to with the terms.⁴ The Mohist or Neo-Mohist view played a formative role for Xunzi’s theory of naming that he developed on the basis of the Confucian zhengming thinking, both discussed below. Xunzi’s theory in turn influenced the thought of his student Han Fei about xing MING (“title and performance”).⁵

Yan Zhitui’s 顏之推 (531–591) Yanshi jiaxun 顏氏家訓 (Family Instructions of the Yan Clan) compiled in the Sui dynasty contains a chapter on “Name and actuality” (MING SHI 名實) which deals with the polarity in a social context. It relates to MING as a person’s reputation and SHI as a person’s behavior.

“Reputation (MING) and behavior (SHI) are like an appearance and its reflection in a mirror. A person who is morally honest and capable will have a good reputation (MING). A person with good looks will have a pleasant mirror image. If someone who does not cultivate his own character and behavior expects to enjoy a good reputation in society, it is as if someone with an unattractive appearance blames the mirror for his nasty mirror image.”

名之與實，猶形之與影也。德藝周厚，則名必善焉。容色姝麗，則影必美焉。今不修身，而求令名於世者，猶貌甚惡，而責妍影於鏡也。⁶

The Guanzi 管子 (Book of Master Guan) is repository of pre-Han or early Han literature of various kinds, including realist or pragmatic politico-philosophical writings.⁷ It deals with the polarity in the political-administrative context and speaks about MING as an official’s title and the duties connected to the title, and SHI as the performance of these duties.

“The performance of duties (SHI) should be monitored for its correspondence with the title (MING). The title of an office (MING) should be assigned according to the actual duties to be performed (SHI). Title (MING) and performance (SHI) give rise to each other and mutually define each other. If they match up, there is order, if they do not match up, there is chaos.”

¹Johnston (2010), p. xxvi

²Translation following Graham (1978), p. 352.

³Mo & Sun (1907), p. 256.

⁴See also Graham (1989), pp. 137–155, and Makeham (1994), pp. 51ff, on Mohist theories of naming.

⁵Makeham (1994), pp. 51, 67

⁶Yan & Zhao (1928), p. 86.

⁷Rickett (2001), p. 3.

修名而督實，按實以定名，名實相生，反相為情。名實當則治，不當則亂。¹

Two pre-Han doctrines intimately related with the MING-SHI polarity are *xing MING* (“performance and title”) and *zheng MING* (“rectification of names”). Previous scholarship disagrees as to which of the two theories originated earlier and influenced the other one.² The notion of *zheng MING* appears in the *Lunyu* 論語 (Analects). A common interpretation of *zheng MING* is that it is closely connected to the idea of stable social relationships. It is used when it comes to making people follow instructions properly, carry out tasks or perform social roles. Social roles come with a set of responsibilities or rules of interaction that one’s own behavior must conform to, and with certain entitlements and treatment to expect from other roles. The bearer of a role (MING) can only enjoy the entitlements if his behaviors matches the rules. Confucius’ statement in the Analects that the pivotal precondition of good government is “that the prince is prince, the minister minister, the father father and the son son” 君君、臣臣、父父、子子 can be read as a sequence of MING-SHI pairs (MING-SHI MING-SHI MING-SHI MING-SHI). A person with a certain title or status (MING) should observe the responsibilities that come with that role in his actual performance (SHI).³ For example, a parent can only be expected to be treated as parent if the behavior of the parent matches the responsibilities of a parent towards a child. Another oft-cited example is Mengzi’s assertion not to have heard of “regicide” in connection with the assassination of the tyrannical King Zhou of Shang.⁴

Similar to the Mohists, Xunzi regarded MING as the names of particular objects (SHI). Naming introduces social, political and moral distinctions. The classical examples of systems of names are the terminologies for titles of nobility and with respect to ritual and etiquette. Names have no intrinsic appropriateness but are ordained (by the ruler) and then become established custom. They can both be neologisms created to meet the exigencies of the times and circumstances or be “creatively culled from tradition”. There are good and bad systems of names. The social, political and moral distinctions introduced by a system of names should ensure social cohesion and political order. Introducing a system of names does not just imply the invention of designations but also the demarcation of objects in the first place. The sage kings created names and distinguished objects in order to ensure that their intentions were conveyed clearly and the Way could be carried out.⁵

Han Fei appropriated the MING-SHI polarity to refine Shen Buhai’s theory of *xing MING*. Makeham (1994) regards Han Fei’s ideas as the “third phase in the application of nominal prescriptivism to political philosophy”, of which the Analect’s “rectification of names” represents the first phase. The ideas of Han Fei’s teacher Xunzi on the correct use of names act as Han Fei’s stepping stone and represents the second phase. The central idea of Shen Buhai’s and Han Fei’s theory of *xing MING* is that the performance of an official should match his official title and his own words, and be in accordance with laws

¹Guan & Zhu (1619), p. 510.

²Graham (1989), p. 284.

³He (n.d.), p. 106. See also Cheng (1974), pp. 64–74.

⁴Meng & Li (2000), p. 64.

⁵Makeham (1994), pp. 57–63.

and commands (all subsumed under MING). Shen Buhai and Han Fei are associated with Legalist and the Huang-Lao school of thought that was popular during the Warring States period and came to dominate political discourse in the first century after the founding of the Han dynasty in 206 B.C.¹

In a passage of the Han Feizi the author (probably Han Fei himself) writes:

“Shen Pu-hai talked of ‘methods’ [...]. His ‘methods’ were to confer office according to ability, to hold the actual performance (SHI) accountable to the official’s title (MING, alternatively: his claims), to keep in his own hand the power of life and death, and to examine the ability of the various officials; this is controlled by the ruler.”

今申不害言術 [...] 術者，因任而授官，循名而責實，操殺生之柄，課群臣之能者也，此人主之所執也。²

Shen Buhai’s “methods” consisted of the checking systems sketched by Han Fei and accountability constituted their central principle. According to Han Fei, these methods enable the ruler to “ensure that only those competent would be admitted to, remain in, or be promoted in office”.³

“If the ruler wishes to prohibit treachery, he should observe the congruence of people’s actions (xing 刑) and claims (MING). This is equivalent to the congruence of words (yan 言) and tasks (shi 事). Based on the words of an official, the ruler assigns him tasks and evaluates his performance only on the basis of these tasks. If the performance does justice to the tasks, and the tasks therefore do justice to the official’s words, the official is rewarded. If the performance does not do justice to the tasks, and the tasks therefore do not do justice to the official’s words, the official is punished.”⁴

人主將欲禁奸，則審合形名。形名者，言與事也。為人臣者陳而言，君以其言授之事，專以其事責其功。功當其事，事當其言，則賞。功不當其事，事不當其言，則罰。⁵

The expression xing MING was in use until the Han dynasty in connection to concerns of personnel control. It later dropped out of use, perhaps because of its simultaneous association with Shang Yang

¹The Shiji 史記 associates Shen Buhai and Han Fei with the Huang-Lao school and also counts Shen Dao among its adherents. Concerning the association of Shen Buhai with the Legalist school or fajia, Creel assumes the fajia principally developed from two fourth-century schools, the one of Shang Yang and the one of Shen Buhai. Shang Yang’s school emphasized harsh penal law as chief instrument of government. Shen Buhai’s school was indifferent if not opposed to harsh penal law, and rather emphasized the role of the ruler and the methods by which he could organize and control the bureaucracy. Due to reasons unclear, however, “[h]istory has exaggerated the role of the school of Shang Yang and its ideas, while that of Shên Pu-hai is almost forgotten. Yet there is clear evidence that the latter school played an important role well into Former Han times, and possibly even later. It is by no means certain that the impact of the ideas of Shang Yang upon Chinese institutions has been as great as that of the philosophy of Shên Pu-hai.” Creel (1970), p. 93.

²Han & Chen (1992), p. 76. Translation following Creel (1970), p. 82, and Makeham (1994), p. 68.

³Makeham (1994), p. 68.

⁴Makeham (1994), p. 72, argues that MING should be translated as “claim” in this case because the ruler assigns tasks based on what an official claims with his words what jobs he is capable of performing. However, as the assigning of tasks is connected with the conferring of official titles and entitlements, “title” also seems legitimate.

⁵Han & Chen (1992), p. 181.

or the negative connotation of *xing* which could also refer to corporal punishment.¹ Phrases including the MING-SHI polarity, however, such as “holding actual performance (SHI) accountable to the official’s title (MING, alternatively: his claims)” 循名而責實 and Han Xuandi’s 漢宣帝 (91–48 B.C.) appeal to “observe the correspondence of name (MING) and reality (SHI)” 綜核名實 remained in use. “observing the correspondence of name (MING) and reality (SHI)” is one of two *loci classici* from the Book of Han (Hanshu 漢書) that appear time and again in the writings of the compendia. The phrase appears in Ban Gu’s praise at the end of the biography of Han Xuan Di. When praising Han Xuandi’s domestic policy, Ban Gu writes that the emperors efficient bureaucratic evaluation system brought about scholarly progress and social peace.

“During the Xiaoxian reign (of emperor Xuandi), one could be sure that achievements would be rewarded and crime would be punished. Scholars of administration, literature and jurisprudence all refined their competences and perfected their skills. Craftsmanship and technology reached an unsurpassed level. And officials also did a good job, so that the people could pursue their daily business in peace.”

孝先之治，信賞必罰，綜核名實。政事、文學、法理之士咸精其能，至於技巧。工匠、器械，自元、成間鮮能及之。亦足以知吏稱其職，民安其業也。²

Han Xuandi was reportedly a reader of Shen Buhai’s writings, an author his great-grandfather Wudi had officially blacklisted after declaring Ru thought (*rushu* 儒術) the national creed.³

The second locus classicus from the Book of Han is the phrase “answer to Heaven with substantial (SHI) action not with symbolic (*wen* 文, here synonymous with MING) action” 應天以實不以文. The chancellor of Han Aidì 漢哀帝 (27–1 B.C.) tried to dissuade the emperor from following the suggestion of one of his advisers to use military action against border tribes to divert attention from domestic problems by warning the emperor that neither the people nor Heaven could be fooled.

“I have heard that the people are moved by deeds not words, and that one should respond to Heaven with substantial (SHI) not with symbolic (*wen*) action. The common people cannot be fooled, and much less so the spirits in Heaven!”

臣聞動民以行不以言，應天以實不以文。下民微細，猶不可詐，況於上天神明而可欺哉！⁴

3.1.2 FUNCTIONS IN QING STATECRAFT DISCOURSE

In the writings collected in the statecraft compendia, the MING-SHI polarity is used to point to deficits in the implementation or enforcement of regulations. It is also used to criticize intentionally delusive

¹Creel (1970), pp. 87–90.

²Ban & Yan (n.d.), p. 168.

³Creel (1970), p. 87.

⁴Ban & Yan (n.d.), p. 1357.

speech and indicate that claims do not match actions. The authors of the writings use the term MING to refer to an official title, status, reputation, command (legislation) or claim, and the expected actions, responsibilities or duties associated with it (what someone is expected to do). SHI refers to actual performance (what someone is really doing) of the bearer of the title, status, reputation or the receiver of the command, that may or may not conform with the expectations. The polarity is also used to point to corruption and subversion of the formal systems of government by informal systems.

Zhou (2014) furthermore suggests that in the political-administrative context, the MING-SHI represents a means for speaking about the relation between symbolic power and actual power.¹ Although the emperor had absolute symbolic power, he had to yield considerable power to the different local levels of the bureaucratic hierarchy most of the time. This power sharing was not entirely formally fixed, but instead mostly based on informal consensus. Zhou (2014) argues that the relationship of MING and SHI entailed “mechanisms of transformation between formal and informal imperial power”, and suggests that there were primarily two mechanisms. At times, the central government granted autonomy (actual power) to the local administration, while holding up the absolute power (symbolic power) of the emperor (yi MING dai SHI 以名代實). The intention of such a move was to protect the emperor’s authority, while granting the local administration a reasonable amount of flexibility in their decisions and actions. This in turn was thought to reflect back positively on imperial authority, provided that it resulted in increased efficiency of the local administration. At other times, the central government took back autonomy from local administration in order to strengthen the power of the center (yi SHI zheng MING 以實正名). The intention of such moves was to reduce abuse in the short term, but could affect flexibility of the local administration and overall outcomes negatively in the middle to long term.² Zhou (2014) argues that in light of the consensus that the symbolic power of the central was not to be questioned, exact correspondence of formal (MING) and informal power (SHI) did not necessarily represent an ideal balance because it unduly limited the discretion of local agents.³

The authors of the writings collected in the statecraft compendia use the MING-SHI polarity to phrase complaints about institutional inefficacy, and sometimes also intransparency and hypocrisy. A title, regulation, command or claim (MING) comes with an associated set of rules, norms or expectations, that may or may not be complied with in practice (SHI). A rule is effective if the majority of people, including officialdom, obeys it⁴, that is, if behavior (SHI) conforms to legislation (MING). Authors present institutional inefficacy as either the result of intentional abuse (bi 弊) or as being caused by impersonal forces and defects (also called bi 弊), and therefore associate it with either REN or FA. For example, if a tax item is not in correspondence with tax payers’ financial capacities, this may be either due to corrup-

¹Zhou (2014), pp. 119–127

²Note that Kiser & Tong’s (1992) meta-language referred to in chapter 2.2 employs the terms autonomy and power in a slightly different way. They contrast nominal autonomy with actual power where Zhou (2014) contrasts nominal power with actual autonomy. Kiser & Tong (1992), p. 301. It is therefore better to stick to the terms of symbolic and actual power.

³Zhou (2014), p. 125.

⁴This is also the position of legalis positivism, see the definition of “efficacy” in Hart (1961).

tion or tax evasion on the part of some officials or tax payers (REN), or due to unfair fiscal legislation (FA). Regulations may not have the intended effect due to intentional neglect of official duties, non-compliance to regulations, or withholding of information on the part of the REN.

Authors indicate this kind of “overt compliance and covert deviance” 陽奉陰違 with expressions such as “although implemented in name (MING), (the command) is never implemented in actuality (SHI)” 名雖奉行，實未曾行。¹ For example, if the yanglian payments (lit.: “encouraging honesty” or “nurturing incorruptibility”) to local magistrates do not cover their actual expenses, “the yanglian payment ‘nurtures incorruptibility’ in name (MING), but in reality (SHI) it nurtures corruption” 是養廉者其名而養不廉者其實也。² Another example is the policy of sale of office, which Feng Guifen regards as inherently flawed. In official statements, Feng says, “the government wants to recruit persons who are eager to promote the public good and and who cherish righteousness to confer them official titles (MING)” 上以急公好義為招，特假以為名. The people attracted to this kind of call, however, are mostly persons “interested in huge returns from their investment, so this is what they strive for in reality (SHI)” 下以利市三倍為券，將務求其實。³ Instead of promoting the public good, the purchasers of office exploit the people to enrich themselves, says Feng.

Authors use the MING-SHI polarity to suggest how responsibilities are shared in the case of administrative inefficacy, for example, whether higher instances should have been more proactive in adapting regulations or observing compliance or whether the men in charge at the local level are to blame. The MING-SHI polarity is often connected to a series of moral implications or charges. Irresponsibility or imprudence in the implementation or making of regulations leads to injustice (for example, an unfair distribution of financial liabilities). This may in turn lead to a loss of trust in the government. When using MING and SHI, an author constructs both the “is” (SHI) and “ought” (MING) of a particular case. Authors use MING and SHI to argue for their own versions of a story and to contest accounts of reality that differ from their own representation of things. An example is Zhong Peixian’s 鍾佩賢 (fl. 1860–1882) memorial criticizing a discrepancy between MING and SHI in connection to the Tongzhi emperor’s “soliciting the free airing of views” 廣開言路, an invitation to high officials to submit constructive critique of the current state of affairs.⁴ In the memorial, Zhong criticizes the court for not reacting to Woren’s 倭仁 (1804–1871) critique of the establishment Tongwenguan 同文館 (School of Combined Learning), a school for Western learning attached to the Zongli Yamen 總理衙門 (Office in Charge of Foreign Affairs), extending the institution instead of decreasing its funding or abolishing it. Zhong is effectively implying that the implication of “soliciting the free airing of views” must be to implement any suggestion that is “aired”, at least if it is aired by such a respectable person as Woren. Another example is Sun Jiagan’s defense of the regularization of the meltage fee discussed in section 3.1.3. Sun argues that the opponents of the policy are making claims (MING) about the policy’s negative effects that do not

¹HCJSWB, 16: 34a–b

²HCJSWB, 17:30a–31b.

³HCJSWXB/GE, 18:2a–b; also included in HCJSWXB/SHENG, 21:5a–6b; HCJSWTB/SHAO, 32:1a–b.

⁴HCJSWXB/GE, 12:7b.

correspond to reality (SHI).

The MING-SHI polarity receives the most theoretical attention in the pre-1898 compendia of all polarities discussed. The HCJSWB, HCJSWXJ/RAO, HCJSWXB/GE and the HCJSWXB/SHENG all include several short treatises dedicated to discussing the nature of MING and SHI. The remainder of this section discusses several of the treatises. The first three essays, by Zhang Shiyuan, Zhu Qi and Gao Yandi, present a spectrum of uses of the MING-SHI polarity. The final two writings, by Huang Juezi and Wang Boxin, present two strategies of achieving the correspondence of MING and SHI. Huang Juezi's strategy is to adapt performance (SHI) to make it conform to the formal system of statutes and regulations (MING). Compliance to existing statutes and regulations is to be achieved through consistent monitoring and sanctioning, and through education. Wang Boxin, on the other hand, appeals to adapt the formal system of statutes and regulations (MING) to performance (SHI). More precisely, Wang opts to improve compliance with statutes and regulations by adapting them to the capabilities of the average man (zhongren).

Zhang Shiyuan and Gao Yandi use MING and SHI to discuss the efficacy of the formal order, that it is, basic statutes and regulations as well as ritual. In Zhang's essay, MING refers to both the title of an official, well as to the duties or responsibilities connected to the title, including the duty to comply to commands and regulations. This is also one of Gao Yandi's uses of the polarity. In addition, Gao Yandi uses MING to refer to the formal institutional framework of the state in its entirety, including regulations, official titles and ritual order. Gao uses SHI to refer to the actual power of a state and the material foundation of this power, achievements in fields such as military and agriculture. Both Gao Yandi and Zhu Qi also employ MING and SHI to discuss the responsibilities or expectations that come with a certain status or reputation.

In the essay "Discussion of MING and SHI" 名實論, Zhang Shiyuan 張士元 (fl. 1800) discusses the relationship between commands and regulations on the one hand and the duties of an official on the other hand.¹ In Zhang's eyes, the true mandate or vocation (MING) of an official does not consist in following commands and regulations (geling 格令) to the letter.

Zhang insists that officials should be evaluated according to their actual achievements (SHI) in performing their official duties (MING). Performing official duties is not, however, equivalent to meticulously following commands without regard for the bigger picture, Zhang says. What Zhang seems to criticize here are cases where officials do not engage in an action that would be the right course of action because they don't see a regulation that explicitly allows them to do so. "If someone is completely restricted by what is specified as commands and regulations and cannot depart a bit from this, then this may seem right in theory (MING), but is actually wrong in practice (SHI)" 若限於格令而不可稍變者。按其名則是，究其實則非也。 Most officials only act if they can find a precedent (li 例) for a

¹HCJSWB, 11:26q-28b

decision, and remain inactive if not in order to “avoid suspicion” (bixian 避嫌) of acting counter to the administrative regulations. Truly heroic (mingyi 明毅) officials act even if there is no precedent and they have to exceed their personal authority to do what is truly beneficial for the state and the people.

Zhang Shiyuan outlines a number of historical examples of Han officials outstepping their own competencies in faking or ignoring imperial commands to prevent famines, save the lives of innocent convicts, and prevent senseless war. Zhang concludes that officials should have embrace their responsibilities instead of neglecting them in order to be on the safe side.

“The right way of personnel management is therefore to check the correspondence of the title (MING, title and the duties connected to the title, such as the duty complying to basic statutes and regulations) of an official and his actual performance (SHI). This way it becomes possible to distinguish the loyal from the disloyal and superior from inferior officials. This way the court will be able to employ its civil servants to real effect.”

是故用人之道。在核其名實而已。名實既核。則忠佞與優劣俱見。而朝廷可以收人才之實效矣。

Zhu Qi's 朱琦 (1803–1861) “On MING and SHI” 名實說 is included in both the HCJSWXB/GE and the HCJSWXB/SHENG.¹ The essay discusses reputation (MING) as a reflection of actual performance (SHI).² According to Zhu, performance (SHI) is assessed by observing someone's actions and behavior (xing 行) and evaluating whether it is useful (you yong 有用). Based on this criterion, Zhu argues that the personal traits of prudence (jinhou 謹厚), modesty (lianjing 廉靜) and yieldingness (tuirang 退讓), that are generally regarded as the characteristics of the “great man” (daren 大人) qualified to hold office, are really the characteristics of the “petty villager” (xiangqu 鄉曲). The vocation of the “great man” is to ensure order and peace, Zhu says. He needs resolution, steadfastness, political integrity and must be resilient against critique. He must not give up long-term plans that might not be initially popular with everyone out of anxiety about his personal convenience and the security of his official position.

Due to the immense requirements placed on the great man, not everybody can be a great man. The real problem, however, is that many men strive for a reputation of being prudent, upright and yielding, because they see it as an innocuous and convenient way to gain a reputation of being a “great man” and gaining or maintaining their official position. These three qualities are of little use when these men are faced with great decisions but cannot or do not dare to act the right way and cannot or do not dare to speak the truth, says Zhu. In this moment, it will become clear that there is a deficit of officials who do not shirk away from denouncing uncomfortable truths and able to make long-term plans. In antiquity, being a great man equally was not everybody's vocation. But even people with a personal fault such as being greedy, arrogant or lacking self-restraint could still be put to use in government on the basis of

¹ Another exception are a number of essays from Feng Guifen's Jiaobinlu kangyi 校邠廬抗議 (Counterproposals from the Jiaobin Studio)

² HCJSWXB/GE, 20:1a; HCJSWXB/SHENG, 23:1a–2a.

their other talents. The greedy, arrogant or unrestrained today are worse. They pretend not to be greedy, arrogant or lack self-restraint and then turn out to be of no use at all because their claims (MING) are twice removed from the reality (SHI) of the “great man”.

The HCJSWXB/SHENG includes a treatise by Gao Yandi 高延第 (1823–1886), editorial assistant in the Hanlin Academy, entitled “Discussion of MING and SHI” 名實論. The HCJSWXB/SHENG divides Gao’s into three parts. The first part is included in the chapter “On learning” 原學, while the other two parts are included in the chapter “On government” (Yuan zhi 原治).¹ Gao proceeds from the responsibility of the scholar-official to engage in solid learning to the formal order and actual power of the state and finally to the evaluation of officials according to their performance in fulfilling their official duties.

Gao’s first essay deals with the responsibility of the individual scholar-official to engage in solid learning and develop the theoretical grasp and practical knowledge necessary to fulfill his duties towards society and state. MING is the title of a professional vocation, often inherited from father to son, such as craftsman, merchant, peasant, scholar-official.² The various professions all have in common that they aim for creating something useful (youyong 有用), Gao says. This is what is meant by actual or solid (SHI). SHI is solid performance: not just doing one’s job but doing it solidly because one disposes of all necessary professional skills. Craftsmen have to know how to use their tools to build implements, appliances or buildings. Merchants have to be able to estimate the worth of goods, know how to calculate a surplus, understand financial matters and react to customer demand. Peasants need to be able to distinguish different kinds of soil and crops and know how to maximize yields by observing the right timing. A scholar-scholar has to know how to act appropriately, understand past and present and the essence of government and has to take up responsibilities and fulfill them.

While the other professional groups more or less fulfill the criterion of doing a solid job and manage to keep MING and SHI not too far apart, the scholars fail in this regard. They practice the skills necessary to compose examination essays but do not spend time to acquire an independent moral stance, broad understanding of the world or the ability to be a moral guide for others. They read their copies of the commented five classics and four books to prepare for the examination but not the histories, or the works of other masters of the hundred schools. They are not able to tell profitable (LI) from righteous (YI), good from bad, the worthy from the unworthy, and so their words and behavior cannot be a model for others. They do not know about rites, music, punishments, administration or military strategy. In short, they lack solidness (SHI).

Among craftsmen, merchants and peasants, there are few who only rely on their professional designation (MING) and do not make an effort to deliver solid (SHI) work. The reason is that in all three cases there are natural feedback mechanisms that match their professional designations (MING) and perfor-

¹HCJSWXB/SHENG, 2:16a–18a; HCJSWXB/SHENG, 8:39a–42a; HCJSWXB/SHENG, 8:43a–44b.

²Gao employs the term shi 士, “scholar”, but it makes sense to translate this as “scholar-official” because Gao focuses on scholars in government service in his discussion.

mance (SHI). If both do not match, they will struggle to make a living. If someone employs a number of craftsmen, merchants or peasants, and a few of them deliver inferior work, the employer might still accept it, but if half of them do not deliver work up to the standards, he will dismiss them. Bad performance of a craftsman, merchant or peasant only affects his own family's livelihood in the long run.

If a scholar-official does not possess the skills it takes to be a scholar-official, it causes harm for everyone. These skills include both a theoretical grasp of government and practical know-how. Scholar-officials should not just readily memorize other people's interpretations of the classics, but be in command of the techniques to conduct their own exegesis of the classics. This enables them to connect the meaning of the classics to real life and substantiate it in their own actions. It is also important to gain competence in topics of practical administration such as imperial ceremonies, taxation, the salt and alcohol monopolies, military strategy, epidemiology, banditry, naval defense and hydraulic engineering. Today's scholar-officials are mostly ignorant of how to implement the lessons of the classics. At most, they practice caution in everything they do and make sure that social restrictions imposed on women are observed. If a scholar-official does nothing to benefit the other social groups, he should not regard himself as superior to them and expect them to obey and serve him because he has just "stolen" (qie 竊) the title (MING) of scholar.

Irresponsible scholar-officials are not as easy to distinguish and punish by their superiors or the ruler as the other vocational groups. But there are ways and means to observe the correspondence of MING and SHI for all important administrative tasks such as personnel management, finance, military, punishments, agriculture and hydraulic engineering. Anyone would sue a craftsman, merchant or peasant who deceives others. The same must apply for scholars, or else social norms will be adversely affected. Even more fundamental is the observation of the correspondence of MING and SHI when selecting and appointing officials because regulations (FA) are only as good as the men (REN) who administer them ("it is men who order the state not regulations"), and the scholar-officials have the function of role models for others.

Gao's second essay deals with the correspondence of formal (MING) and actual power (SHI) on the global level of the state. MING refers to the codified institutional framework including the symbolic or ritual order embodied in the systems of rites and music (liyue 禮樂). SHI refers to the realization and effective operation of the institutional framework, as well as to the material basis of state power, agricultural production and military strength. Gao describes the dynamics of MING and SHI in the abstract, emphasizing that a system of formal power (MING) can only be stable if it corresponds to the actual conditions of power.

"What is maintained at the outside is the name (MING), what is cultivated inside is the actual (SHI). After there is a reality (SHI), the corresponding name (MING) can attach itself. A name (MING) that does not have a corresponding reality (SHI) anymore cannot stand on its own."

飾於外之謂名。修於內之謂實。有其實者名附之。徒有其名者實去之。並其名亦不可獨存。

Gao sees three types of MING-SHI-dynamics manifested in history. The first is an occupation with the actual (SHI) after the establishment of a new dynasty, followed by a commitment to the establishment of a system-of-names (MING) after the dynasty has been consolidated. This dynamic is exemplified by the great dynasties of the Zhou, Han and Tang. The second dynamic is an occupation with the system-of-names (MING) in central states (zhongxia zhi guo 中夏之國), paralleled by a commitment to establishing the actual (SHI) in peripheral states, exemplified by the Qin, Wei, Jin and the Yuan dynasties. The third is a commitment of establishing the actual (SHI) during a mid-dynastic revival (zhongxing 中興) and the decline of both the actual (SHI) and the system-of-names (MING) of a state in decline, exemplified by the reign of Han Xuandi and Han Guangwudi.

When the house of Zhou dynasty was expanding its power in Shaanxi, attention was focused on agriculture and border consolidation. Its sophisticated system of rites and ceremonies and architectural styles had not been created yet. All institutions (zhidu wenwu 制度文物) were still of a simple and make-shift nature. The Zhou had achieved actual strength (SHI) but had not found the time yet to establish an elaborate system-of-names (MING). Only after conquering the Shang and consolidating the new empire, the system of rites and music was established, which reinforced the stability and prosperity of the Zhou. According to Gao, actual performance (SHI) lays a solid foundation for the state. Establishing a ritual framework of official roles (MING) fosters the development of the state's structure (tizhi 體制) further. The empires of the Han and Tang dynasties did not match the one the Zhou dynasty created and operated, says Gao, but they exemplified more or less the same logic.

The state of Qin was a vassal of the Zhou for centuries. Its territory was rugged and its neighbors were foreign tribes. During the Eastern Zhou, when the rulers of central states were engaging in diplomacy and developing a luxurious lifestyle, the customs in Qin remained simplistic and the people hard-working. The threat of conquest by foreign tribes prompted Qin to improve its administration and military, and to expand farmland and increase agricultural yields in order to build military strength. This finally made Qin so strong as to be able to conquer all other states. Instead of displaying the same perseverance in the consolidation of the empire as had been necessary for the conquest, the First Emperor wanted to quickly establish the same splendor for his house as the nobility of the central states had indulged in. He proclaimed himself emperor, built a prestigious palace, put up the stele on the Taishan with a unified minor seal script, and established a sacrificial rite on the Taishan. But this system-of-names (MING) was far inferior to the Zhou model and the actuality (SHI) that it was supposed to be based on was already gone. The Qin dynasty perished after only two generations. The history of the Northern Wei, Jin and Yuan dynasty all conform to the same pattern of gaining strength as a peripheral state and conquering the empire, followed by gradual disciplinary, military and fiscal decline after the conquest. Their actual strength and performance (SHI) waned quickly and their system-of-names (MING) never remotely matched those of the Han and Tang.

Due to political circumstances, Han Xuandi had grown up as a commoner. He therefore had a clear idea of the troubles of the common people and of the state of the imperial bureaucracy (*lizhi* 吏治) with its good points and problems, says Gao. Xuandi was able to establish strict “checks of the correspondence of title (MING) and performance (SHI)” (*zhonghe MING SHI* 綜核名實) so that rewards and punishments were meted out consistently (*xin shang bi fa* 信賞必罰). The result achieved was increased professional competence both among the learned elite and in the technological field. In Han Xuandi’s late years, there was general prosperity and peace, as foreign tribes all accepted the authority of the Han emperor. But Han Xuandi’s successors failed to distinguish loyal from treacherous ministers and lacked good advisers, following, in Gao’s words, the “vulgar teachings of false scholars” 偽儒俗學. Imperial power declined and the mandate of the Western Han dynasty was lost. The first emperor of the Eastern Han, Han Guangwudi, merged administrative districts, downsized the bureaucracy and streamlined official communications and the tax system. Guangwudi understood well the conditions of effective sanctions. On the occasion of a large scale campaign against robber bands, the emperor ordered that officials would not be punished if they sat on their hands or let robbers escape out of fear, but that they would be rewarded if they fulfilled their duty of pursuing and punishing the bandits. Han Guangwudi did not put much energy into the establishment of palace and temple complexes, rites and music. However, he achieved that officials fulfilled their duties and the people could live in peace and pursue their professions. The emperors and ministers of the late Eastern Han dynasty had no clear moral standards, high officials pursued personal profit and power, petitioners crammed the doors and lanes of influential officials, the sale of office boomed, which lead to the fall of the Eastern Han dynasty.

Gao concludes that in a strong and stable state, the formal institutional and ritual framework (MING) and its actual material basis (SHI) should either be achieved simultaneously, or the material basis (SHI) should precede the establishment of a formal and ritual order (MING). If all affairs only have MING but no SHI, this leads to weakness and defect. Observing the backing of formal frameworks by actual performance is easier said than done, Gao concedes. People are accustomed to hearing about the proper relationship of MING and SHI, but few people really take it to heart. The reason is that the average man and the below average man (*zhongren yixia* 中人以下) find it hard to fulfill their duties in reality (SHI). The ruler can confer formal titles (MING) to them which they will readily accept because of the benefits that come with the titles. But the announcement of a check of whether they fulfill the duties connected with titles in reality (SHI) will trigger a storm of protest that only ends if the announcement is revoked. This is why later attempts to emulate Han Guangwudi failed.

Gao’s third essay connects the message of the first two essays and focuses on the relationship between the state and its officials in terms of MING and SHI. The most important application of “checking the correspondence of MING and SHI” (*zhonghe MING SHI* 綜核名實) is to “tell the worthy from the unworthy” (*bian xian buxiao* 辨賢不肖, says Gao. The most important step in telling the worthy from the unworthy is the “examination of an individuals achievements and wrongdoings” 考察功罪. The most

important effect of a successful examination of an individuals achievements and wrongdoings is that “due rewards and punishments will be meted out without fail” 信賞必罰 (there is sure punishment and reward). If small achievements are not valued and minor crimes are not sanctioned, then at some point, no great achievements will be made anymore and major crimes cannot be prevented anymore. Small achievements have to be registered, even if the person who has made the achievement does not have a high status and is not close to the person meting out the rewards. Minor crimes have to be sanctioned, even if the person who has committed the crime is close to the person meting out the punishments.

Gao points out and counters two major objections to his suggestion. The first objection is that comprehensive monitoring of bureaucracy is infeasible. Gao’s response to this objection is that the ruler does not have to monitor, reward and punish every official personally, only a few dozen people at maximum, which will be those whom he meets most regularly. Rewarding and punishing them will improve the virtue and competence of this group of people, and it also has an effect on the rest of the bureaucracy. The group of officials monitored at the top can then in turn fulfill this duty for their immediate subordinates, who will in turn monitor their subordinates. This pattern replicates down the hierarchy to the lowest level.

The second objection interrogated by Gao is that the principle observing the correspondence of MING and SHI originates from Guan Zhong’s and Shang Yang’s theories of government, and is not compatible with Confucian didactic strategies of subtle moral suasion, lenience and forgiveness towards the incompetent. Gao’s response to this second objection is that it is an argument brought forward by men with vested private interests (SI) who try to fool people with these allegations. The instruction to use moral suasion and lenience and forgiveness towards the incompetent is intended as a guide for scholars dwelling in the countryside and not holding office as to how to interact with and instruct their fellow villagers, says Gao. It is not a guideline for rulers and officials. Their task is to clearly distinguish between upright and crooked characters, and between good and bad deeds. They have to reward what is good and benefits the people (not themselves), and punish what is bad and harms the people (not the ruler). They have to ensure that the same impersonal standards (FA) are applied on the local level and at court. The emperor should not rule according to his own personal opinion but act as a proxy of Heaven on earth. Even less should he let the high ministers at court arbitrarily interfere into his decisions. The cosmic dimension opened up by Gao at this point with the reference to the impersonal standard (FA) and Heaven reminds of the xing MING of the Huang-Lao theorists discussed in chapter 3.1.1. Moral suasion cannot act as a method of government in today’s world. Neither officialdom nor the people are like the officials and people of antiquity anymore. It would be inappropriate to treat them with lenience and forgiveness. Most people are mediocre men (zhongren 中人). It is important to register their good deeds even if they are minor and reward them in the end, and to punish their bad deeds even if they are minor. Moving away from the correspondence of MING and SHI in exchange for arbitrariness will result in shrinking numbers of people who do good and growing numbers of people who do bad. Their way of impartiality (GONG) will end. Even Yao and Shun would not be able to govern under these conditions.

The wicked and primitive would be able to bring doom to the world to advance their private interests (SI).

Gao Yandi is not the only one to connect MING and SHI with REN and FA. Both Huang Juezi 黃爵滋 (1793–1853) and Wang Boxin 王柏心 (jinshi 1844) relate REN-FA with MING-SHI and an effective system of sanctions. In 1844, Huang Juezi, at the time censor supervising the activities of the Board of Works, appeals to the emperor to “observe the correspondence of nominal responsibilities (MING) and actual performance (SHI)” 綜核名實 in order to solve the most pressing contemporary challenges to the order of the state. Huang presents the relationship of men in charge (REN) and regulations (FA) as complementary and interdependent, and connects it to the correspondence of responsibilities (MING) and performance (SHI).

“Sanctions (rewards and punishments) are based on judgments of right and wrong. Judgments of right and wrong are based on nominal responsibilities (MING) and actual performance (SHI). The meaning of the statement that since antiquity ‘it has been men (REN) who order the state, not regulations (FA)’ is not that we do not need regulations and institutions (FA) if good men are in charge. It means that if good men (REN) are in charge, regulations (FA) can be enforced and institutions can operate properly.”

臣聞賞罰出於是非。是非出於名實。自古有治人無治法者。非謂有人可無法也。蓋有人然後有法耳。¹

After the foundation of the Qing dynasty, writes Huang, institutions and laws (FA) were established and enforced. But over time, enforcement of legislations declined and bureaucratic discipline (lizhi) deteriorated. Huang connects the “observation the correspondence of nominal responsibilities (MING) and actual performance (SHI)” with the emperor’s link to Heaven and the responsibility for the people that results from this link.

“The Way of the sage is to emulate Heaven. Heaven cherishes the people. [...] The greatest trouble in the world is when there are nominal responsibilities (MING) without corresponding performance (SHI). If responsibilities (MING) and performance (SHI) correspond to each other, then right and wrong are clear. If right and wrong are clear, then sanctions (rewards and punishments) are fair (GONG). When sanctions are fair, the people are at peace. When the people are at peace, there is agreement with Heaven.”

夫聖道法天。天心愛民。[...] 有名無實者。天下之大患也。故名實正則是非明。是非明則賞罰公。賞罰公則民志安。民志安則天心順。

Huang Juezi lists seven concerns frequently voiced by his contemporaries: heterodox beliefs spreading among the population, sectarian bandits who recruit themselves from among the poor, the plight of

¹HCJSWXB/SHENG, 13:1a–10b.

the victims of natural disasters and the fear of future crop failures, the bad state of the army, the unpredictability of the British intentions in China, and the irresponsibility of the majority of the bureaucracy: officials in the provinces do not care about the people, while officials in the central government do not care about their tasks. Huang argues that the solutions to these problems already exist and lie in existing Qing law. The Qing dynasty has appropriate institutions (dianzhang 典章) and laws (falings 法令). The problem is not a lack of legislation but a lack of enforcement of these “established institutions (FA) of the imperial ancestors” 祖宗之成法. The operation of these institutions and enforcement of the laws is the task of the bureaucracy. The ruler cannot rule alone, he delegates the authority of enforcement to the high officials, who delegate the task to the local magistrates. Huang proposes Confucian education and transformation against heterodox beliefs (strengthening of the position of local scholars). Stricter selection of officials by provincial and metropolitan high officials can prevent self-interested, unlawful, lethargic, and incompetent candidates from lowering the standards within the bureaucracy. Defunct local institutions have to be reestablished and existing regulations have to be clearly communicated and strictly enforced.

Huang Juezi provides details on how to enforce existing legislation and how to render the institutions effective again so that they can fulfill their function (chengxiao 成效, shouxiao 收效). Huang argues that schools prevent people from following millenarian sectarian groups because they educate local leaders who in turn educate the people and prevent them from being deluded by heterodox religious beliefs. The baojia system can prevent sectarian bandits building strongholds in local communities. Appropriate hydraulic engineering schemes (shuili 水利) can help resettle disaster victim and prevent future disasters. Granaries prevent famines in years of crop failure. The introduction of a strict inspection routine can strengthen the discipline of the troops and the authority of military commanders and increase the strength of the army. Strict enforcement of existing laws with regard to foreign trade will frustrate unlawful intentions of criminal foreigners. By holding every individual official accountable for the fulfillment of his official duties, officials will develop responsibility towards their job.

Wang Boxin 王柏心 (1799–1873), secretary in the Board of Punishments, employs the MING-SHI polarity to demand an adaption of regulations (MING) to the realistic capabilities (SHI) of the men in charge.¹ Sanctions can only be effective if they are proportionate and based on realistic estimates of what officials can control.² Wang Boxin emphasizes the dependent nature of the name (MING). A MING follows after something actual (SHI) is present, just as a reflection or shadow appears automatically if an object is present. Grasping the nature of the relationship of name and actuality is essential for effective action.

“The conduct of affairs always involves actual performance (SHI). The evaluation of achievements always proceeds from actual performance (SHI). After the actual (SHI) has been es-

¹HCJSWXB/SHENG, 12:1a–2b.

²Compare Metzger’s conditions of effective sanctions mentioned in chapter 2.3. Metzger (1973), pp. 236–237.

tablished, the name (MING) follows, like a shadow follows a person's physical appearance. When something continues to exist in name (MING) but no actuality (SHI) corresponds to it anymore, it is like 'setting out to buy a horse on the market with a painting of a good horse in one's hand' (antiquated and impractical methods of administration and government).¹ When the name (MING) gets neglected and the focus is on actual performance (SHI), every endeavor will succeed. If actual performance (SHI) is neglected when the name (MING, title or command) is received, every endeavor will be deficient."

為其事。未有無其實者也。計其功。未有不自實始者也。實立則名從矣。是置表以取影也。名存則實亡矣。是按圖以索駿也。舍名就實者。萬舉而萬有功。得名遺實者。萬舉而萬有弊。

Wang posits that the most important condition for fostering achievement and preventing deviance among the bureaucracy is not just to mete out sanctions, nor even just to consistently mete out positive sanctions for achievement and negative sanctions for deviance (xin shang bi fa 信賞必罰). It is to ensure that sanctions are proportionate, that "positive sanctions are commensurate with the achievement and negative sanctions are commensurate with the offense" 賞當功，罰當罪. Wang further demands a simplification and clarification of regulations in order to give officials a realistic chance of complying with them: "commands should be simple and clear, regulations (FA) should be easy to comply with" 是故令簡而易明，法成而可守.²

If laws and commands (faling) are complicated, officials have to delegate more authority to the sub-official functionaries of their yamen (fushi zhi tu 府史之徒), whose compliance is hard to control. Because of the difficulty of controlling their subordinates actual performance, superiors prefer to only control their subordinates' compliance "in name" (MING). This invites their subordinates to confirm that they have performed all their tasks in accordance with the regulations although they have not. Superiors only monitor the formal claims (MING), so the subordinates only report in terms of formal claims (MING) but are uncommitted to actually complying with these claims. The result is an erosion of law (fa) and the undermining of commands.

"If (superiors and subordinates) only exchange formal claims (MING), and keep each other in the dark with their formal claims (MING). Which regulation (FA) is not eroded by this, and which command (ling) is not undermined by this?"

名與名相求。名與名相蒙。然則法何由不蠹。令何由不圯乎。

¹The locus classicus of this chengyu is the Book of Hanshu, where it is mentioned in connection of a statement criticizing that the recruitment methods of the Three Dynasties cannot be used to recruit officials in the present. HYDCD, vol. 6, p. 588.

²Alternative translation: "if commands are simple and clear, the regulations as soon as they are deduced (from these commands) can be easily complied with". Administrative regulations were in general compiled from selected executive commands by competent government agencies. Metzger (1973), pp. 167ff.

It becomes hard to track down responsibility in case of failures. The solution is to simplify the content and reduce the number laws and commands. This amounts to a strengthening of actual performance (SHI) with respect to nominal responsibility (MING), and a strengthening of human agency (REN) with respect to regulations (FA). Wang likens MING to the nets used to catch wild animals, and SHI to the hunters operating the nets. Delegating the execution of laws and commands to sub-official functionaries is like putting out nets in the wild and telling them to catch animals, Wang says.

3.1.3 TAXATION

As mentioned in chapter 2, official agrarian taxes were in general relatively low in imperial times.¹ Attached to the formal fiscal system, however, was an informal system of fees and surcharges largely beyond the control of the central government. The unofficial levies and fees imposed by officials and sub-official functionaries created a considerable discrepancy between the letter of tax law and the actual burden placed on the population. The surcharges increased the burden on the peasantry without increasing revenue for the state.

The Qing dynasty had inherited the Ming fiscal system, but increased the central grip on fiscal resources. Local levels remitted most taxes to the center and only a small portion retained at the provincial level and below. This system fixed officials' salaries at a level much too low given to the expenses they faced. The taxes retained originally had reserved funds to pay the wages for runners. But as the number of runners considered in this scheme had been fixed at a time when corvée labor had been still in existence, the reserved funds were not enough to meet administrative needs, and officials had to hire additional runners at their own expense. There was no provision at all in the retained taxes for the salaries of clerks. The official had to pay their wages, as well as the salaries of his private secretaries and servants, from his private pockets. Apart from this, the officials had to pay their family's living expenses, office equipment, travel costs, maintenance of public buildings and infrastructure and small and middle-scale famine relief.² They also had to jump in when the cost of centrally funded projects exceeded the allocated amount, and had to regularly submit customary charges (*guili* 規禮) to the staff of superior *yamen*. At times, the center withheld parts or all of provincial officials' salaries and wages to make up for military expenses or tax deficits, a practice called *juan feng* 捐俸 ("donation of salaries").³

The need to cover the difference between official salaries and financial expenses and the fact that tax raises were regarded as taboo⁴ gave rise to an informal system of funding. At the district level (*zhou* 州 and *xian* 縣), one illegal way of meeting local administrative needs in the face of chronic underfunding was to channel off funds allocated by the central government for other purposes and taxes earmarked for remittance. Another option was to collect funds from the people during tax collection or in the market place in the form of surcharges (*jiapai* 加派 or *kepai* 科派) or by manipulating scales, conversion

¹Wang (1973)

²Zelin (1992), pp. 38–39.

³Zelin (1992), pp. 45–46.

⁴See, for example, Sun Jiagan's and Zhang Jie's essay discussed below for evidence.

rates etc. (“collecting more and reporting less” *zheng duo bao shao* 徵多報少). One common form of surcharge was the wastage allowance (*haomi* 耗米 if taxes were paid in kind, *huohao* 火耗 if they were paid in silver) that had been designed to make up for losses incurred during transport or melting down into larger ingots. Magistrates also obtained various customary fees from their clerks and runners. The clerks and runners, in turn, charged the people.

Officials above the district level similarly obtained additional financial resources by levying various informal fees, and, in the case of the customs administration, surcharges on duties.¹ In official correspondence denouncing corruption, the term customary fees (*lougui* 陋規) was commonly used to refer to all kinds of unauthorized revenues. In the narrow sense, customary fees referred to all fees and gifts subordinate officials sent their superiors, up to the ministers of the central government. No matter where in the bureaucratic hierarchy a transaction of customary fees was taking place, the original source of all customary fees of this kind were the people. The officials at the provincial and sub-provincial levels, including the customs and salt administration, obtained the means to pay the customary fees by levying taxes at a higher rate than authorized, and by collecting unauthorized fees and duties. The revenues thus generated were then distributed upwards in the form of customary fees. Subordinate yamen sent fees on occasions such as the superior’s birthday or his arrival at a new post, and on a regular basis when officially dealing with the superior yamen, e.g. when delivering taxes or documents connected with accounting and record-keeping functions. From the names of the latter kind of customary fees it is evident that they were originally meant to subsidize the expenses for stationary, food and wages of the superior yamen. In face of the regularity and standardization regarding the paths of transmission and the amount and types of fees, Zelin (1992) calls the exchange of customary fees an “informal system of funding”.

Assessing the nature of this informal network in the 18th century before the fiscal reform of the Yongzheng reign (1723-1735), Zelin (1992) and Zhou (2012) estimate that it served real administrative financial needs and not just the private aggrandizement of the bureaucracy. It had, however, serious drawbacks, as its intransparency made it hard for the central government to check abuses. The flow of fees in the network gave rise to symbiotic relationships between officials on different levels, which further impeded transparency. Officials tended to cover up each other’s involvement of the system: “based on bribery from below and coverups and favoritism from above, [it] was this convergence of interests that formed the backbone of the informal funding system and made it work”.² The system included not only overtaxation and the levying of unauthorized fees, but also the clandestine misappropriation of earmarked funds for other purposes, e.g. using famine relief funds to balance the local tax deficit, or vice versa, using taxes to be remitted for famine relief or other projects. If a famine occurred before the funds had been restored, no help could be provided to famine victims. The central government, unaware of the reallocation, might even demand that the tax deficit be collected from the tax-paying population,

¹For details on the different strategies available to imperial bureaucrats at different levels for funding their yamen’s operations, see Zelin (1992), pp. 47–72.

²Zelin (1992), p. 71.

increasing the burden on the common people.

Even in the absence of such extreme grievances the practice presented a threat to official discipline because it subverted checks against corruption built into the formal taxation system. Because magistrates contributed heavily to the provincial budget through the system of informal funding, high provincial officials tended to be reluctant to impeach officials for irregularities in their annual accounts (*zouxiao* 奏銷). Similarly, they pressured new magistrates to silently accept the inventory of treasury and granaries that their predecessor presented to them (*jiaodai* 交代), even if it contained large deficits. Board officials in the central government tasked with scrutinizing provincial annual accounts also contributed to the subversion of central fiscal scrutiny. They would accept or reject the annual account based on whether or not they had received a customary fee (*bufei* 部費), regardless whether the figures presented in the account matched the authorized budget or not. When deficits came to light nevertheless there was a tendency to wave them off as “legitimate shifting funds for public expenses” (*yin gong nuoyi* 因公挪移).

The Yongzheng emperor’s tax reform, initiated soon after the emperor’s ascension to the throne, was the first Qing reform that did not view treasury shortages as a normative problem to be solved by exhorting officials, but as an institutional problem to be solved by replacing the system of informal funding with adequate formal funds. The reforms had no long-lasting effect, with a demise of the yanglian-system and a return to informal funding in the late 18th century, but officials of the 19th century still regarded the rational approach of the reforms as a positive model of reform.¹ The idea was to make officials able to follow Confucian values and administrative codes of conduct by providing them with adequate funds. The Jiangnan tax clearance (*qingcha* 清查) initiated by the Yongzheng emperor revealed that most arrears were not traceable to poor households unable to pay taxes, but instead to tax resistance by large households, proxy remittance by village clerks, embezzlement by yamen runners, and clerical tampering with the accounts, dividing embezzled taxes among many households and falsely registering land ownership.

According to Zelin (1992), the Yongzheng fiscal reforms represented a watershed in the assessment of the causes supporting the system of informal funding. Before the ascension of the Yongzheng emperor to the throne, many still thought “that corruption was causing shortages and did not see that it was actually shortages that had necessitated corruption”.² During the reforms, it came to light that, to a large extent, it were actually the shortages that were causing corruption because they fostered the development of an informal funding network that was beyond control. Zhou (2007) suspects that both institutional and personal factors contributed to the exacerbation of the situation. Institutional problems, notably underfunding of the provincial and sub-provincial administration, were the root causes that induced personnel problems, notably the decline of bureaucratic discipline and morale and habitual overcharging of the population for personal gain, as symptoms. The symptoms complicated the root

¹Zelin (1992), pp. 77; 304

²Zelin (1992), p. 71.

cause and at some point became part of the causes themselves. Corrupt habits had become so deeply ingrained in officials, sub-official functionaries and the local elites, that corruption continued and, in the end, subverted the Yongzheng emperor's efforts to "rationalize" the tax system.¹ Contemporary observers therefore tended to view corruption as root cause.²

The countermeasures enacted by the Yongzheng emperor were the establishment of a secret palace memorial system for direct communication with the emperor and a rationalization of the fiscal system by raising official salaries through the introduction of a yanglian ("nourishing incorruptibility") payment. The pay rise successfully reduced corruption and generated tax surpluses in several provinces, generally in those close to the capital with non-complex land-holding patterns, for several decades.³ The reason why the reforms failed to be successful empirewide in the long-term was that they could only affect corruption in the official hierarchy, not the corruption outside the official hierarchy among sub-official functionaries and the local elite.⁴

From the middle of the eighteenth century, China experienced rapid population growth and an increase in commodity prices. This meant rising administrative costs at the local level, that were not accompanied by a rise of official budgets consisting of official salary and yanglian. At the same time, the practices of tanjuan and confiscation of salaries (caikou 裁扣) became ever more pervasive, which further worsened the financial condition at the district level. The system of informal funding reemerged as the primary source of administrative funds, with funds being extracted from the people in the form of customary fees, and part of those funds then remitted to higher levels in the form of customary charges (guili 規禮) and tanjuan. This led to complaints that the sub-official functionaries at the lowest level were extracting multiple times the required amount from the people.⁵

The system of informal funding impeded top-down control and the concentration of fiscal authority at the center. Superiors had no overview of the customary fees their subordinates received. This applied to all levels, the governor-general and governor's oversight of magistrates, as well as magistrates' oversight of their sub-ordinate functionaries.⁶ Nor were superiors particularly willing to strictly monitor their subordinates as they were dependent on the funds forwarded in the form of customary charges and allocations.

After his ascension to the throne, the Daoguang emperor set out to "re-rationalize" administrative finances by conducting a tax clearance. The aim of the tax clearance was to determine the kinds and amounts of customary fees in the districts and then retaining those that were necessary, while outlaw-

¹Zelin (1992), pp. 220–221.

²Zhou (2007), p. 69.

³Kiser & Tong (1992), pp. 319–321.

⁴Zelin (1992), p. 221. Zhou (2012), p. 150, thinks that another factor reducing the long-term effectiveness of the reform was that the measure of converting the informal customary fees into a fixed formal tax surcharge to be allocated to the magistrates unduly reduced the financial flexibility of the district yamen, as they could not determine the amount by themselves according to current needs.

⁵A district magistrate reports the practice of exacting a transportation fee amounting to twenty times the actual cost of hiring a cart, horse and driver. HCJSWB, 33:32b–33a.

⁶Zhou (2012), p. 157.

ing all others. The Daoguang emperor ended up rowing back with his tax clearance plans, apparently because a flood of warnings about the consequences of harsh cutbacks in the provinces began to pour in. The intervention convinced the Daoguang emperor that the best solution was to “stick to the established practice, but reign in excesses” 因仍舊例去其太甚. This led to the perpetuation of a state of “mismatch of name (MING) and actuality (SHI)” 名實不符 in which higher levels of the bureaucracy, including the center, had no insight into the financial transactions (and possibly, abuses) at lower levels. In a situation where mutual interests in informal funds impeded top-down control and monitoring, and institutional solutions could not be implemented, many officials favored “human” solutions, which they propagated in the form of frequent calls for “high officials serving with utmost loyalty and lower officials fulfilling their obligations” 大法小廉 and “it is the men in charge (REN) who order the state not regulations (FA)”.

The pre-1898 statecraft compendia grant the discussion of taxation ample room. Without exception, the compendia contain several chapters on taxation in general, as well as several chapters dedicated to specific important taxes such as the grain tribute and the salt gabelle, and chapters on miscellaneous special taxes such as the tax on alcohol and tea. The writings in the sections on taxation are mostly concerned with excessive and unequal tax burdens that result from problems related to the basis of tax calculation, the implementation of tax reductions and illegitimate surcharges. Authors point out that excessive and unequally distributed tax burdens affect the people’s trust in the government and jeopardize social peace and stability. Depending on whether the subject of their critique is the formal or the informal system, authors criticize tax regulations as being “not right in theory (MING) and harmful in practice (SHI)” 與名不正與實有傷¹ or that “there is a discrepancy between legislation (MING) and actual practice” (SHI) 名與實悖².

The MING-SHI polarity is used to point out discrepancies between the letter of tax law and compliance to the law; official responsibility and actual performance, claim and reality; the nominal amount of taxes and the actually collected amount. Almost all cases are cases of official corruption, while tax evasion (that often involves official corruption) is rarely mentioned. Authors who criticize an unfair basis of tax calculation refer to the officially claimed basis of assessment for calculation of taxes as MING and the actual, inappropriate basis of assessment, or the consequences of calculating taxes on such an inappropriate basis as SHI.³ Authors discussing problems in the implementation of tax reductions refer to the policy of tax reduction as MING and the fact of local non-implementation due to corruption as SHI.⁴ Authors demanding the suppression of customary fees refer to the official, legal purpose of a customary fee as MING and the unofficial illegal use of a customary fee as SHI.¹

¹HCJSWB, 27:42b.

²HCJSWXB/SHENG, 34:12a.

³See, for example, HCJSWB, 34:39a–41b; HCJSWB, 33:39a–41b; HCJSWB, 30:34a–35b.

⁴See, for example, HCJSWB, 29:61a–63b; HCJSWXB/SHENG, 36:86a–90b; HCJSWXB/GE, 30:4b.

¹See, for example, HCJSWB, 26:61a–b; HCJSWXB/GE, 25:10a; HCJSWXB/GE, 11:5a–b.

The writings selected for discussion in the remainder of this section deal with the problem of informal surcharges. The earliest texts are Ren Yuanxiang's essays, dating very probably from the Kangxi reign, and the latest text is an essay by Huang Tifang written in 1878. Ren and Huang discuss informal surcharges in general. Zhang Jie's essay, written either in the late Jiaqing or the early Daoguang reign, is part of a debate about the regularization of a labor-service surcharge in Zhili. The other four writings discussed, memorials by Sun Jiagan, Tang Zhengjing, He Changling and an essay by Feng Guifen, are related to the yanglian payments introduced in the course of the Yongzheng reforms to replace the informal network of funding. Sun Jiagan's essay dates from the Yongzheng reign, Tang Zhengjing's and He Changling's essays date from the Daoguang reign, and Feng Guifen's essay is from his Jiabinlu kangyi, compiled during the late Xianfeng reign.

The authors of these writings use the MING-SHI polarity in two basic ways. On the one hand, authors use MING to refer to formal administrative regulations regarding taxation and SHI to refer to actual administrative practice that includes informal practices and their effects. This applies to the writings by Ren Zuanxiang and Zhang Jie, as well as to Tao Zhengjing's and He Changling's writings. Ren and Zhang put more emphasis on the fact that it is officials' duty to adhere to the administrative regulations established in the context of a policy, while Tao and He underline the discrepancy of the intended effect of a policy and its actual results. On the other hand, authors employ the the MING-SHI polarity to refute arguments of their political opponents by pointing to a discrepancy between their opponents' claims (MING) and the actual state of affairs (SHI). Sun Jiagan's memorial is an illustrative example.

Focusing on the perspective of the local magistrate, the authors base their reasoning on the premise of the Yongzheng reforms: that financial shortages increase the likelihood of corruption. They emphasize that solutions must be sought by considering magistrates' actual situation (SHI). The reality of local administration is that magistrates' income according to formal regulations (that fix official salaries etc.) is eaten up by the payments magistrates have to make in the context of the informal funding network and other irregular practices. To counteract the detrimental effects of excesses of the informal network for state and society, authors do not just propose stricter monitoring and sanctioning (adjusting SHI to MING) but also providing magistrates with sufficient funds (adapting MING to SHI). See Feng Guifen's and Huang Tifang's writings discussed at the end of this section.

MING and SHI are key categories in Ren Yuanxiang's 任源祥 (1618–1674) discussion of the inefficacy of the Ming dynasty single whip reform (yi tiao bianfa 一條鞭法) by the early Qing dynasty.² The single whip reform was a series of fiscal reforms promulgated empire-wide in 1580 with the aim of simplifying the tax structure and securing tax collection by reducing the opportunities for fraud and tax evasion. Important measures were the simplification of the land classification scheme, the monetization of the fiscal system that made taxes payable in silver not in kind, and the combination of various taxes, most notably the land taxes and the corvée labor tax, into a single one. The fiscal legislation enacted in

²HCJSWB, 29:33a-34b

the course of the reforms was nominally still binding in the early Qing dynasty, but had lost its effect of ensuring simple and fair taxation.

Ren employs the MING-SHI polarity to make his point that the whole official hierarchy is responsible for ensuring the enforcement of the single whip measures and has to prevent actions that subvert the measures, notably the collection of unauthorized surcharges. The high officials who establish and promulgate regulations (FA) in a way that magistrates are forced to turn to other sources of funding are just as responsible for excessive fees as the magistrates who order their collection and thereby violate the regulation (FA) that prohibits the levying of surcharges. In the first part of his essay, Ren outlines the promulgation of the single whip reform. He emphasizes its success of simplifying tax measurement and collection and reducing opportunities of abuse. In the second half of the essay, Ren discusses how the system ceased to be effective in the early Qing dynasty because illegal surcharges levied subverted the logic of the unified system.

Ren presents the single whip reform as a system that responded so perfectly to the circumstances of the time (shi 勢) that “even the sages would not have changed this model (FA), had they risen again” 聖人復起其法不易 at the time.¹ Before the reform during the Longqing reign (1567–1572) of the Ming dynasty, various surcharges on the land tax and the corvée tax had become so onerous that the households in charge of tax collection (lizhang 里長) were starting to go bankrupt. This situation prompted the governor of Jiangxi, Zhang Juzheng 張居正 (1525–1582), to combine the land tax, the corvée labor tax, and the various miscellaneous taxes into one unified tax. The new “single whip” model alleviated the people’s burden considerably, Ren says, and was therefore extended to the whole empire in the following Wanli reign (1573–1620). The main advantage of the single whip system, according to Ren, was that it combined all the various taxes into one, and that the amount of taxes to be paid was determined according to the amount of land a household owned.² The positive effects of the unified system were that sub-official functionaries had less opportunities to deduct tax money for their personal self-enrichment, officials were provided with sufficient funds to conduct their business, and, freed from corvée obligations, the common people could dedicate all their energies to productive work.

Ren underlines that the continued efficacy of the reform depends on the careful implementation and enforcement of the single whip measures by all members of the bureaucratic hierarchy. It becomes clear here that Ren regards MING as the responsibility to adhere to the regulations introduced in the context of the single whip reform. Ren may be even said to equate MING with the regulations.

“It is the duty of the magistrate to implement the policy. But the basis of the magistrate’s actions are the governor-general and governor. The basis of the governor-general and governor’s actions are the metropolitan board ministers. The basis of the metropolitan board

¹This is reminiscent of an assertion in the Mencius that “the sages would change nothing of my words, were they to rise again” 聖人復起不易吾言矣. Meng & Li (2000), p. 211.

²The advantage of this, in Ren’s eyes, was probably that this number stayed fairly constant in comparison to the number of male adults that was subject to frequent change.

ministers' actions is the court. Therefore, the success of the single whip policy depends on carefully monitoring the correspondence of their responsibilities (MING) and actual performance (SHI)."

但奉行之職在有司。有司之本在督撫。督撫之本在部曹。部曹之本在 朝廷。故條編之法。在審其名實而已矣。

Ren substantiates the meaning of this statement in the second part of the essay, that outlines how the system of informal funding rendered the single whip system ineffective in the early Qing dynasty, and how all levels of the bureaucracy bear responsibility for this failure. The single whip reform had abolished all corvée duties and included them into the unified silver tax on land. The obvious condition for this measure to take its intended effect of making the system simpler and fairer was that the people would indeed not be forced to do any corvée labor or pay any related fees.

"If all fees and obligations are converted into a single silver tax according to the single whip reform, but the exaction of corvée obligations does not stop, then nominal responsibilities (MING, here: responsibilities as defined by administrative regulations) and actual performance (SHI) are diametrically opposed to each other."

條編已折差役。而里徭之科派不止。則條編之名實舛矣。

But this was what happened in the early Qing, says Ren. The Qing dynasty, after its founding, adopted the Ming fiscal system, publishing tax registers for all localities accordingly, and repeatedly issuing exhortations that prohibited the levying of unauthorized fees. However, fees were still levied. Based on his earlier analysis that the responsibility for enforcing the system is shared by the whole bureaucracy, Ren points out that the magistrates are not the sole culprits, although it is them who are directly responsible for administering the collection of taxes.

"If the magistrates are so unreliable as to not observe an imperial decree banning the levying of additional fees, and levy additional fees in spite of everything, then the magistrates are clearly to blame. But any regulation (FA) is implemented by the governor-general and governor. Therefore, the command (MING, here: license) to levy additional fees is issued by the governor-general and governor. All regulations (FA) are established by the metropolitan board ministers. Therefore, the actuality (SHI) of levying (here: necessity to levy) additional fees is created by the board ministers. The magistrate cannot be blamed alone because the original cause is the slashing of local budgets."

科派之禁。明旨煌煌。而有司昏莫之顧。居然科派。此其罪誠在有司也。然法之行自督撫。而科派之名有出自督撫者。法之立自部曹。而科派之實有出自部曹者。則非盡有司之罪也。而要其源則自裁扣始。

It is the duty of the magistrate to implement the single whip policy in his district. But the efficacy of the single whip policy also depends on whether the officials on higher levels, the governor, governor-general and the board ministers fulfill their nominal duties and contribute their share in ensuring that the policy is successfully implemented. The magistrates do not comply to the prohibition, forcing people to do corvée labor and levying illegal surcharges. The high provincial officials, governor-general and governor also share some blame, however, as it is them who order the levying of surcharges (Ren may be referring to the fact that the provincial high officials request customary charges from the sub-provincial officials here). The metropolitan ministers who deduce too much tax income from the provinces also share part of the responsibility. The ultimate responsibility for the failure of the single whip policy, however, lies with the court. What Ren regards as the responsibility of the court is probably to initiate or guide the restructuring of the fiscal system in a way that provides the provinces with a more adequate budget, so as to reduce the heavy reliance on the system of informal funding.

The HCJSWB contains several other essays by Ren Yuanxiang that discuss defects of the taxation system in general and point to the urgency of tax reform. Ren Yuanxiang sees a problematic mechanism at work that he regards as responsible for the long-term ineffectiveness of many historical tax reforms. The following formulation of the mechanism with MING and SHI appears in two of his essays and is cited in a third essay by a later anonymous author.¹

“They would scrap a tax in name (MING, i.e. as an independent tax item) but collect it in reality (SHI, i.e. as part of the combined tax), then neglect this reality (i.e. the fact that the tax had been merged into the combined tax) and create it again in name (i.e. as an independent tax item).”

削其名而收其實。復隱其實而增其名。

The repeated merging of independent tax items into a combined tax lead to a steady increase of the tax burden, Ren argues.² According to Ren, administrators applied this mechanism both to the merging to the various surcharges that had been merged into the unified tax by the single whip reform, and to the conversion of taxes in kind to taxes in silver (zhese 折色). Ren regards the monetization of the tax system as a step just as inevitable as the abolition of well-field system's unity of taxes per land and capita. However, the original rationale for commuting taxes to silver on a case-by-case basis in Zhejiang had been to make things convenient for the people in areas short of agricultural land or badly accessible areas that rendered the transport of taxes in kind difficult. Later, the commutation to silver was made obligatory and the it became an official surcharges. It was included into the universal tax with the single whip

¹HCJSWB, 29:3a–4b; HCJSWB, 29:5a–6b; cited in HCJSWSANB/CHEN, 34:30b–31a.

²This problem is cited as “Huang Zongxi's law” in PRC academic literature on tax reform in rural China because Huang Zongxi called this common phenomenon in Chinese tax history “the ill of steady accumulation” 積累莫返之害. Huang (n.d.), p. 23. See Wang (1973) for a refutation of this hypothesis of steady accumulation of the land tax.

reform. Officials later neglected the fact that the zheses had been included into the unified tax and the practice of zheses became yet another instance of the familiar mechanism, says Ren.

“There was a fixed tax quota (for taxes in kind) in ancient times, as there is a fixed tax quota today. Nobody could alter the quota as they wanted. Therefore, profit seekers had to find other systematic means to conceal (their corrupt practices) from the ears and eyes of the empire. They would scrap a tax in name (MING, i.e. as an independent tax item) but collect it in reality (SHI, i.e. as part of the combined tax), then neglect this reality (i.e. the fact that the tax had been merged into the combined tax) and create it again in name (i.e. as an independent tax item).”

古有古之定額。今有今之定額。雖欲過加之而有所不可。是故謀利者巧立為一切之法。以愚天下之耳目。既削其名而收其實。復隱其實而增其名。于中間收放。因而隱射乾沒。則亦折色之為害也。

According to Ren, both the administrators' financial shortage and their corruption are fuelling the mechanism. Under the original Ming dynasty single whip system, magistrates who were only able to collect 70-80% of the taxes were not to be impeached. The Qing introduced the requirement that the magistrate had to collect the full tax quota to prevent impeachment. This further increased pressure on tax payers and drove up the silver price. Also, under the original single whip system, the income from the *zafan* 雜泛, one of the three corvée duties included into the single tax, remained at the local level for perusal of the district yamen. Now these funds have to be remitted to the province, so that a new *zafan* fee has come into existence, further driving up the price of silver, and devaluing the worth of agricultural produce. But Ren Yuanxiang also clearly links the phenomenon of the accumulating tax burdens through unwarranted fees or hidden surcharges with a moral charge: it is not only structural deficiencies (underfunding of the provinces and sub-provincial administrative levels) that push up the tax burden, but also the personal interest for private enrichment of officials and sub-official functionaries.

There are other essays in the chapters on taxation that use MING-SHI polarity to file claims of abuse connected to the levying of informal surcharges, fees and duties. In an essay dating either from the last years of the Jiaqing reign or the first years of the Daoguang reign, Zhang Jie 張杰 (fl. during the Jiaqing reign), magistrate of Shenzhou district in Zhili province (modern Hebei), illustrates how Yongzheng's prohibition of unauthorized surcharges had become ineffective by the end of the Jiaqing reign.¹ Zhili was one of the provinces in which Yongzheng's reform had been rather successful.² But only a few decades after the Yongzheng reforms and the regularization of customary fees, a new kind of customary fee appeared in Zhili under the collective term *chaiyao* 差徭. Zhang employs the MING-SHI polarity to convey his analysis of the problem as well as to refute criticism voiced against the solution he proposes.

¹HCJSWB, 33:28a.

²Zelin (1992), p. 130; Kiser & Tong (1992), p. 322.

Zhang's essay is part of a debate on the reform of the *chaiyao* in Zhili during the early Daoguang reign mentioned in chapter 2.4. Zhang was a member of the more radical reform party led by the administration commissioner of Zhili province, Tu Zhishen. Their suggestions were opposed by a more conservative party lead by the governor-general of Zhili province, Yan Jian. Yan Jian's position is discussed in chapter 2.4 on the basis of a memorial that expresses Yan's opposition to the reform party's proposal and employs the REN-FA polarity. Zhang makes reference to the debate at the beginning of his essay, where he mentions a meeting of like-minded officials who in their majority agreed that the conversion of the *chaiyao* into a common surcharge on the land tax. Only one dissenting view was raised by a "certain gentleman" (Yan Jian) who regarded the proposal of "raising the taxes" (*jiafu* 加賦) as taboo. Note that in the memorial discussed in chapter 2.4, Yan's main argument is not the tax raise, as indicated by Zhang in this essay, but that the current flexible system allows for a fairer burden sharing than any universal regulation could. But the *Qingshi gao* cites Yan Jian with the words "their intention is to achieve the real (SHI) effect of lowering the *chaiyao* via the land-tax, but they are not aware that this would create a false name (MING) for raising the land-tax via the *chaiyao*" 其意在藉賦以收減差之實效，不知適藉差而添加復之虛名. With "false name", Yan means a legal disguise for a tax raise. QSG, 121:3548. Zhang says that the purpose of his essay was a defense of the reform idea against this point.

A decisive disadvantage of the informal *chaiyao* system, argues Zhang, is that there are no clearly fixed regulations (*mingding zhangcheng* 明定章程) specifying the amount and basis of calculation of the burden placed on each household. Some places levy the *chaiyao* on the basis of the number of draft animals owned, some levy it per village, some per group of households. But as this is nowhere documented, superiors have no means of monitoring the process. Because there are no clearly fixed regulations, officials can exact more than the amount needed for their private enrichment. Exemption practices also vary. Some places exempt city dwellers, some exempt the gentry, some exempt officials and sub-official functionaries. These practices are not only inherently unfair (*pianku bu gong* 偏枯不公) in themselves because the common people bear all the burden, says Zhang, they also give rise to other unfair practices such as tax farming. With the rising amount of surcharges for private enrichment, the number of households who are able to pay the *chaiyao* decreases, which places an additional burden on the remaining small independent households. Zhang estimates that the burden placed on these households in some places has risen to the ten-fold amount of the regular land tax. He warns that the extreme inequality resulting can get volatile in times of natural disasters and crop failure because households are not able to build up stocks under the present conditions.

Zhang points out that the reason why the *chaiyao* came into being is a structural deficit of the financial system. The Yongzheng reforms created a lack of funds for certain expenses in the *yamen* above the district level. These *yamen* requested the funds from the district magistrates, which basically used up all the *yanglian* funds allocated. The magistrates now deprived of the bulk of their administrative budget but nevertheless facing considerable administrative expenses started to retrieve these funds from the people.

The big problem with this development is the informal and therefore intransparent nature of the system. With no official regulations specifying the amount and use of the *chaiyao*, the system is beyond the control of the usual administrative control mechanisms. Zhang uses MING and SHI to formulate the problem.

“(The various fees) all exist (SHI) covertly, no official or sub-official functionary wishes them to become official tax law (MING). As there is no fixed quota, and no expense item (that *chaiyao* have to correspond to), this leads to overcharging on the part of the officials and sub-official functionaries. This creates opportunities for the rich and powerful to engage in tax farming, while people with limited income have to bear the burden.”

然皆陰有其實。而不欲顯居其名。既無派辦之定額。又無支銷之准數。以致官吏從而浮派。豪強從而包攬。使薄產小民。獨當其苦。

Here, MING refers to official written regulations specifying the purpose and amounts of tax items that superiors can refer to in performing their oversight duties. According to Zhang, the complicated and informal nature of the fee system renders superiors unable to perform inspections. The fact that the miscellaneous fees (*zafei* 雜費) exacted from the people do not exist officially (MING), but are actually (SHI) still exacted leads to intransparency and to excessive and unfairly distributed burdens.

The solution to the problem, says Zhang, must therefore be a reform that establishes and enforces clear rules (*mingli xianzhi* 明立限制) that ensure that all services, goods and fees are only levied at a specified fixed rate that corresponds to the actual administrative needs. The crux is to make sure that the *yamen* are equipped with enough funds so as to discourage them from “using administrative needs as an excuse” 以辦公而無所藉口 to levy irregular *chaiyao* again. The aim is to prevent private enrichment, while acknowledging the need for an appropriate administrative budget that provides for both local expenses and funds requested by superior *yamen*.

Zhang argues that clear rules lead to equally distributed burdens which leads to reduced burdens for the common people. Specifying a fixed unified surcharge and documenting it in the district tax registers (*fuyi quanshu* 賦役全書) solves the problem that superiors lack a basis for control. Making the surcharge to be payable by every household in proportion to the amount of land the household possesses and regardless of gentry or official status solves the problem of tax farming. Strict enforcement of the prohibition to levy surcharges exceeding the specified amount solves the problem of arbitrary overcharging for private gain on the part of officials and their agents. Zhang contrasts the surcharge of one *fen* per *mu* of land he proposes with the status quo where a household may have to pay several hundred up to a thousand *wen*. One *fen* equals ten *wen*, so Zhang is talking of the *chaiyao* burdens amounting to several dozen times, up to a hundred the official land tax.¹

In the final part of his essay, Zhang employs MING and SHI to present a condensed refutation of the arguments against the regularization of the *chaiyao*. The opponents of turning the *chaiyao* into a fixed

¹Beijingshi qianbi xuehui mishuchu (1991), p. 17.

surcharge, Zhang says, belong to those parties whose vested interests are threatened by such a move: officials and sub-official functionaries who profit from the present non-regularized *chaiyao* by habitually overcharging the people for private gain and the members of the labor-service-exempt gentry who profit from the the non-regularized *chaiyao* through tax farming. They object that the regularization of the *chaiyao* amounts to a tax raise for the people on the one hand, and that the additional funds thus collected will be distributed among the officials for their private enrichment (*fenfei* 分肥) on the other hand. Zhang calls this objection a distortion of facts. Instead to representing a tax raise in disguise, the proposed regularization of the *chaiyao* corresponds to a net reduction on taxes, Zhang contends.¹ Those who worry that the additional funds distributed among the provincial and sub-provincial officials will only serve the officials' private enrichment should point out first alternatives to handle the financial strains of those administrative levels, Zhang says. The unified surcharge provides funds for those provincial projects that are currently financed by depriving the magistrates of their *yanglian*. This will deprive superiors of excuses for demanding funds from their subordinates. The center could also allocate funds for those district projects that are currently financed by levying *chaiyao* from the people, so that officials who are still caught levying *chaiyao* can be singled out.

Zhang starts this refutation with an abstract comment about the relation between name (MING) and actuality (SHI). The comment provides the rhetorical basis of his defense, that rests on pointing out that the claims (MING) of the opponents of the regularization of the *chaiyao* do not correspond to facts (SHI).

“A name (MING) is something that refers to an actuality (SHI). An actuality (SHI) is the certificate of a name (MING). An actuality (SHI) without a name (MING) that refers to it is impossible. A name (MING) without a actuality (SHI) that it refers to is equally impossible.”

且夫名者實之賓也。實者名之券也。未有有其實而無其名者。亦未有無其實而有其名者也。

If there was no *chaiyao* in Zhili in the past, it would indeed be appropriate to speak of the proposed reform as an attempt to raise the tax. But as magistrates clearly do levy *chaiyao*, this does not apply. If the proposed unified surcharge is not remitted as part of the land tax, but retained at the sub-provincial levels and used for items at the district and higher levels that were previously financed from the *chaiyao*, this cannot be called a tax raise.

¹“Going from few to much means to raise. Going from much to few means to reduce. If we now go from a fee of several hundred wen per mu to a unified fee of one fen per mu, is this a raise or a reduction? Why should the people regard one fen as much and several hundred wen as few just because it was not raised an official part of the land tax? They call tax what is obviously a kind of *chaiyao*. They call something that obviously amounts to a reduction of *chaiyao* a tax rise. One does not have to be particularly clever to see this.” 夫由少而多謂之加。自多而少謂之減。今以一畝數百文之差錢。而均之以一分。加乎減乎。向之百姓所交數百文差錢。獨不出於正賦之地乎。豈將以一分為多。而轉以數百文為少乎。明明差錢也。而謂之賦。明明減差也。而謂之加賦。此不待知者而辨矣。

“The actuality (SHI) of the court raising the taxes will not occur, so that there will not be any claim (MING) of the court raising the taxes. There will be no claim (MING) of the officials sharing illegitimately gathered funds for private gain, just as there will not be the actuality (SHI) of the officials sharing illegitimately gathered funds for private gain.”

是 朝廷既無加賦之實。即無加賦之名。各官既無分肥之名。即無分肥之實。

One objection that Zhang considers justified is the worry that the added income from the surcharge on the land tax will not prevent more excessive surcharges in the future. This, Zhang says, is to be thwarted by establishing unambiguous prohibitions and by putting the responsibility of top-down monitoring of transgressions on superior officials. In this way, there will be a clear basis to punish magistrates for transgressions, and to sanction superiors who fail to perform their oversight duties for collaboration. At the end of the day, Zhang argues, it is always better to take measures to fight current abuses rather than sitting on one's hands out of fear of future abuses (or, as a popular proverb goes, to refuse food for fear of choking).

In 1742, Sun Jiagan, 孫嘉淦 (1683-1753), then governor-general of Huguang (modern Hubei and Hunan), responds to an imperial edict inviting high officials of the metropolitan and provincial administrations to submit suggestions on how to deal with the defects of the current haoxian policy.¹ Sun urges the emperor not to retract from the policy of levying the haoxian as a regular surcharge on the land tax to be spent for administrative operations at the provincial and sub-provincial level. Sun operates with the MING-SHI polarity to differentiate between formal and informal tax burdens and to dismiss the arguments of critics of the haoxian as invalid.

Before Yongzheng's decision to regularize the haoxian, there were informal fees for which no official regulations as to the quota to be levied and its intended use existed: the fees “were covertly in existence (SHI), but there was no wish to give them an official designation (MING, i.e. turn them into regular tax items)” 然皆陰有其實，而不欲居其名。Corrupt magistrates would levy arbitrary amounts and use them for private instead of administrative purposes. Their superiors would not intervene because they received a share of the illegal revenues. If officials encountered unforeseen actual administrative expenses later, they would not cover it with the pocketed money but levy yet another fee.

The aim of Yongzheng's efforts to regularize the haoxian and thereby rationalize the tax system was to counteract these tendencies. The Yongzheng emperor ordered that the haoxian be converted into a fixed surcharge on the land tax. A part of the funds thus collected was to be paid to the officials on each level in form of yanglian payments. The rest was to be used to fund the operations of the local administration. Official taxes were slightly raised, but the actual burden on the people decreased.

Critics of the regularization concentrated on the fact that the nominal tax burden had increased, instead of admitting that the actual tax burden had decreased.

¹HCJSWB, 27:6a-9b

“If the critics call this a tax raise they don not know what they are saying. For any affair, its actuality (SHI, here: the facts, factual consequences) has to be examined instead of just going for claims (MING).

而議者猶訾以為加賦。可謂耳食者矣。夫事當核其實。不可驚其名。

Sun criticizes that the arguments with which the critics attempt to move the court to abolish the current haoxian policy are mere claims (MING) solely aimed at protecting the critics' own vested interests under the surface: “they try to move the court with claims (MING), while in reality (SHI) they want to fulfill their own private interests, that is for sure” 顯以名動 朝廷，實欲自便其私，可概置不議也。

Giving in to the critics and abolishing the the regularized haoxian is not an option, Sun says. It would mean a reversion to the fully informal system of funding. This amounts to giving up all oversight over local finance, with no control over how much of the customary fees is needed for legitimate expenses and how much just serves the private enrichment of officials and sub-official functionaries. In the remainder of the memorial, Sun Jiagan acknowledges some defects in how the policy is currently implemented and expounds on how to render the haoxian policy effective again. This argument employs the REN-FA polarity and is discussed in chapter 2.4.

Recent scholarship on the tax system of the Ming and Qing dynasties basically confirms the part of Sun Jiagan's argument saying that the increase in regular land taxes represented no considerable burden for the people. There is no evidence that supports any significant steady accumulation of the land tax as implied by “Huang Zongxi's law”. What historical data does confirm, however, is a periodic recurrence of excessive informal customary fees, followed by a tax reform aimed at regularizing part of the fees and strengthening control, followed by a renewed excess of customary fees.¹ One reason why the Yongzheng reforms of the first half of the 18th century lost their effect quickly was that officials on all levels in the provinces could not use the additional funds allocated to them in the course of the reform autonomously after 1735. Low yanglian payments for clerks and runners explain the inefficacy of yanglian at lowest levels. From the early 19th on the situation worsened, as the yanglian payments for officials on all levels were increasingly retained and earmarked for military expenses instead of being disbursed.² All this lead to an increase in informal fees and surcharges levied from the population.

Tao Zhengjing 陶正靖 (jinshi in 1730) states that the yanglian policy is failing because it fails to provide local officials, especially district magistrates, with sufficient funds to face the expenses for administrative affairs.³ He writes of the yanglian payment:

“Its name (MING) is ‘nurturing incorruptibility’, its reality (SHI) is that it fosters corruption.”

¹Zhou (2012), pp. 110–111.

²For example, Chen (2000), p. 90, notes that the yanglian income of the governor of Henan decreased from 28,900 taels in 1725 to 20,000 taels in 1732, to 12,000 taels in 1747.

³HCJSWB, 17:30a–31b and HCJSWB, 1:21

是養廉者其名。而養不廉者其實也。

According to Tao, it is notably the considerable costs associated with personal secretaries' salaries whose services magistrates depend on that the yanglian payments do not take into account. Tang underlines that positive sanctions are an important instrument in personnel politics. Adequate remuneration prevents officials from engaging in corruption, promotions increase officials' motivation. Negative sanctions are only an effective instrument if positive sanctions are taken care of. A sufficient administrative budget that supports the local yamen's operations is a precondition for rendering the prosecution of corrupt officials an effective preventive measure.¹

Tao therefore opts to increase district magistrates' yanglian payments. The reason they went down in the first place is that governors-general and governors are retaining more and more of the yanglian funds originally intended for the lower levels to finance provincial projects. This development runs counter to the original intention of the Yongzheng reforms.

He Changling voices a similar demand hundred years later in a memorial possible written during his appointment as financial commissioner of Shandong province between 1826–1827.² He advocates to stop deductions that higher levels incur to district magistrates' yanglian payments as a necessary measure for fighting both officials' misappropriation of public funds and their levying of excessive surcharges.³ Magistrates will not stop to misappropriate money from the local treasury or overtax the people unless they are provided with a sufficient budget, He argues. Therefore, incoming magistrates must have the full amount of their yanglian at their disposal, and be relieved from budget deficits caused by predecessors and also from contributions to finance projects of the provincial level.

“In my humble opinion, affairs must always be assessed in their actuality (SHI). It is better to settle the old deficits and prevent new deficits than to solve the problem of insufficient funds in name (MING) while deficits are the reality (SHI).”

竊謂凡事當核其實。與其名為補苴而實則暗損。何如緩補舊欠而力杜新虧也。

Adequate remuneration can ensure that officials stick to proper conduct and prevent new deficits, He says. If the higher level drains up local finances too much, this magistrates turns into profiteers, as they get used to moving around funds and overtaxing the population. If, on the other hand, they have a sufficient budget, He Changling argues, magistrates will have moral scruples to “oppress the people”

¹Note here the conflation of an official's salary with his administrative budget in the imperial administration. Ch'ü (1962), p. 24. This view is illustrative of the view in Kiser & Tong (1992) that positive sanctions (increasing remuneration) are a rational choice anti-corruption measure that can be effective given that there is effective monitoring, and relative dependency of officials on official position and salary.

²During his appointment as financial commissioner of Shandong, He concerned himself with the yanglian issue. One of the memorials he wrote during this time bears a title similar to the memorial included in the HCJSWXB/GE discussed here. See Archives of the Grand Council 軍機處檔摺件, file no. 056298, as recorded in DBCMAGC, <http://npmhost.npm.gov.tw/ttscgi/ttswebnpm>.

³HCJSWXB/GE, 16:1b–2a.

(nūe min 虐民) with excessive surcharges. This will also positively effects the finances of the central government in the end. Unburdened by excessive surcharges, the people will have a higher tax morale, which reflects positively on state finances.

Feng Guifen 馮桂芬 (1809–1874) and Huang Tifang 黃體芳 (1832–1899) deal with the adaption of reality (SHI) to nominal rules (MING, i.e. law enforcement), and with the adaption of nominal rules (MING) to reality (SHI) in the context of enforcing anti-corruption law. In an essay advocating a rise in yanglian payments, Feng Guifen emphasizes that magistrates are not inherently corrupt, but corrupted by the system.¹ Feng's assessment of the moral dilemma of magistrates with insufficient budgets differs from his verdict about the kind of people entering the lower ranks of the bureaucracy through purchase of office mentioned in chapter 3.1.2.²

“These officials are not inherently corrupt. They cannot but act corrupt because the state forces them into it. And then the state establishes empty and useless laws according to which anyone to takes the tiniest bit outside of his regular salary is guilty of breaking the law and engaging in corruption. If everybody is punished according to these ‘laws which reestablish the unity of symbolic and actual power’ (zonghe MING SHI ZHI FA), the offices will soon be empty. The court cannot be ignorant of this, but they ignore it. The kingly way does not ignore human feeling.”

然則非本性之貪。國家迫之。使不得不貪也。而猶且設為空虛不用之律例。凡俸祿外絲毫有取。皆坐枉法論贓。以綜核名實之法治之。曹局一空矣。朝廷果不知耶。抑知之而故縱耶。夫王道不外人情。

In a memorial dating from 1878, Huang Tifang 黃體芳 (1832–1899) discusses the best strategy to reign in the excesses of the system of customary fees.³ According to Huang, the best way to revert the current depressing state of bureaucratic morale reflected in the excesses of the customary fee system is to “make regulations (FA) compulsory and enforce that the performance (SHI) matches the legislation (MING)” 法在必行正名覈實. Huang's approach in reconciling performance and legislation is not simply strict law enforcement, but also an adaption of legislation to the realistic capabilities of the men in charge. Huang furthermore emphasizes that legislation must be complied with by all levels of the bureaucracy in order to be effective.

The kinds and amounts of customary fees levied vary from region to region and from office to office, but they all have a detrimental effect on collective bureaucratic morale. Huang points out that the integrity of the officials on the lowest level, the district level, is constantly improving, while it is high officials who engage in illegal extortion of funds. This puts them under the influence of their subordinates

¹HCJSWXB/GE, 16:1a–1b.

²HCJSWXB/GE, 18:2a–b; also included in HCJSWXB/SHENG, 21:5a–6b; HCJSWTB/SHAO, 32:1a–b.

³HCJSWXB/GE, 25:3a–4b. Guan (2010), p. 69, dates the memorial to the year 1878.

from whom they accept money and impedes them from impartial performance of their duties. Circuit intendants fail to report their underlings' misdoings, and provincial commissioners in charge of personnel appointments and adjudication cannot perform their tasks with the necessary objectivity. Huang also argues that it weakened the effect of regulations intended to contain customary fees that in the past, governors-general and governors could impeach their subordinate provincial officials on the charge of accepting customary fees, but no governor-general or governor them was ever sentenced.

Huang emphasizes that it should be kept in mind that officials' incomes have been slashed by half, in some cases even by 80-90%, due to increased military expenses. High officials are also just humans. They will openly chastise the practice of accepting customary fees and readily accuse their own personal opponents' involvement in customary fee scandals, but vehemently deny involvement when they get impeached themselves. High officials also tend to justify their own lax implementation of the regulation and containment customary fees with the excuse that it would be imprudent to deprive their subordinates from this source of income, where they are instead afraid to be deprived of this side income themselves. The objective of the prosecution of illegal customary fees should be to deter corrupt officials from extorting them and to render officials with enough integrity free from demands of their superiors. Ideally, the amount of customary fees that official are legally allowed to exact should vary depending on their position and their income from other sources. Governor-generals, governors and provincial commissioners are financially well-equipped and should therefore not be allowed to receive any customary fees whatsoever. The fees allowed for surveillance commissioners, circuit and prefecture intendants should be clearly regulated.

Huang reviews the successful measures taken by Hu Linyi as governor of Hubei, Zeng Guofan as governor-general of Liang Jiang together with Shen Baozhen as governor of Jiangxi, Zuo Zongtan as governor-general of Minzhe, and Yan Jingming as governor of Shandong. Yan Jingming diminished the financial contributions required from magistratess. The reforms of the other provincial leaders consisted of regularizing the customary fees to ensure their transparency and adequacy.

In Huang's eyes, the steps initiated by above provincial leaders are superior examples of good governance and good leadership. Their provincial leadership had the two positive effects of "directing their subordinates towards integrity" (jiao lian 教廉) and "directing their subordinates towards loyalty" (jiao zhong 教忠). Huang sees an element of empathy in all restrictions they imposed on their subordinate officials. By acting as good models of "dealing with public affairs strictly according to public rules" 公事公言, they were able to "direct their subordinates towards integrity" 教廉. They made sure that all prohibitions and regulations (FA) were straightforward enough so that the "average man (REN)" (zhongren) could comply without much effort. This had the positive side effect that provincial officials do not develop the habit of deceiving the central government because they have to hide their non-compliance, which is why Huang calls this part of the strategy "teaching subordinates loyalty" 教忠.

Having cited the above examples as evidence of an effective strategy, Huang concludes the essay by

spelling out his suggestions which he represents as in line with the strategy. The surcharges must be regularized by determining kinds and amount of fees according to actual needs. A feeling for what is realistic can be gained by referring to the accounts about customary fees of twenty to thirty years ago, before they spiralled out of control. Magistrates have to report the fees collected back to the governor-general or governor, and are liable to punishment if the fees exceed the permitted amount. The practice of requesting magistrates to finance provincial projects in the form of *tanjung* (“equally shared contributions”) also has to undergo regularization. Governor-generals and governors have to ensure that the money exacted from magistrates is indeed spent as intended and does not end up in the provincial financial commissioner’s private pocket. Provincial authorities should put a reasonable limit on the amount of contributions that magistrates can be legally required to make.

3.2 GONG 公 and SI 私

In their most basic meaning, GONG (public) and SI (private) are used to demarcate spheres of the social. GONG refers to the larger and SI referring to the smaller sphere (usually not the atomistic self), for example state (GONG) and individuals or individual households (SI), or local community (GONG) and individual households (SI).¹ From the fact that the opinions and interests of the GONG and SI spheres may be in tension derives a second meaning of general vs. particular interests or impartial vs. partial perspective.² This second usage associates GONG and SI with value connotations. The impartial perspective takes into consideration the views and (legitimate) interests of the larger social whole and is associated with fairness. The partial perspective is based on the limited view or private interest of the individual (REN in charge). It is associated with potential unfairness because free indulgence in one's private interests may harm the interests of others and the public good. Extended to value orientation, GONG designates an orientation towards the public good ("public-mindedness"), while SI designates an orientation towards personal advantage ("selfishness"). There is no agreement in historical sources as to what exactly the public good is and what a public-minded attitude consists of exactly.

GONG and SI are in both cases in tension but not necessarily mutually exclusive. They can be regarded as inseparably related and interdependent. Just like the SI (private) sphere is usually in some sense part of the GONG (public) sphere, a truly GONG (impartial) perspective would result from taking all SI (partial) perspectives and producing a balanced synthesis. Therefore, the second meaning of GONG and SI has two basic use cases. The first use case regards SI (private) interests simply as the totality of interests of the private individual or family. It assumes that some of these SI (private) interests are legitimate. It therefore regards GONG and SI interests as reconcilable and may even view GONG as accumulated and balanced SI interests. How this balance of SI and realization GONG is to be achieved is another question, but GONG and SI do not stand in a general zero-sum relationship. The second use case use the term SI to exclusively designate those private interests that are in contradiction with the public interest (GONG) and therefore illegitimate. Here, GONG and SI stand in a zero-sum relationship because illegitimate private interests are by definition illegitimate because they harm the public good. Both use cases are reconcilable, that is, the same author can employ both usages, and which case is used can be determined from the context.

¹Huang (2000), p. 59, underlines that these are not absolute categories, but applied on a contextual basis. For example, clan organizations can be regarded as extensions of the family and therefore labeled SI, but in other cases they are labeled GONG to contrast them with the individual family. See also Elman (1990), p. 34.

²Another derivative meaning are actions of state officials authorized by the state, that is by a regulation or a superior (GONG), vs. unauthorized (SI) actions. "Unauthorized (SI) levying customary fees" is the most adequate translation 私取陋規, not "privately levying customary fees" or "selfishly levying customary fees".

3.2.1 PRE-QING POLITICAL CAREER

The cluster of meanings associated with *SI* then includes what is private, unofficial, partial, particular, divided while the cluster of meanings associated with *GONG* includes what is public or official as well as public-mindedness, impersonality, impartiality, universality, fairness, objectiveness and unity.¹ Liu (2003) and Goldin (2001) point out that condemnation of *SI* and praise of *GONG* often coincided with attempts to unify and increase autocratic control during the Eastern Zhou period.² Brindley (2013) argues that this should not distract from the fact that the concept of *GONG* was still regarded as an “ideological solution to a wide variety of complicated political and cultural problems” and should not be reduced to a synonym for the interests of the state, also because “it also was a method of keeping royal power in check”.³

Chinese administrative law distinguished between *GONG* and *SI* offenses committed by officials. Metzger (1973) sees the distinction of official offenses into *GONG* and *SI* in Chinese administrative law in the context of a “rationalization of the concept of responsibility”. *GONG* offenses were offenses regarded as out of an official’s might to prevent, or that the official committed in order to protect the general public good. *SI* offenses were offenses regarded as in an official’s might to prevent. If an official did not, it was assumed that this was because the official could get a benefit out of it.

“Rationalization of the concept of responsibility [...] also had a long past. The idea of ‘turning one’s back on public interests and pursuing private ones’ was commonly applied to officials in Han times, and the distinction between *kung-tsui* (public offense) and *ssu-tsui* (private offense), basic in all major dynasties since the Sui, has been traced back to the Ch’en dynasty (557-589) or earlier. Roughly speaking, public offenses were shortcomings involving governmental affairs and lacking any corrupt self-interest, while private offenses involved corruption [...]. By routinely making this distinction, the government weighed motivation more rationally when considering the seriousness of an offense.”⁴

An early example of a dichotomic usage of *GONG* and *SI* is Shen Dao’s opting for the use of *FA* as impersonal administrative techniques of determining rewards and punishments discussed in chapter 2.1. Shen Dao argues that basing decisions on impersonal and therefore impartial (*GONG*) standards precludes the interference of partial personal (*SI*) elements. Such personal factors can be personal likes or dislikes or manipulation through lobbying. If decisions are not taken according to the ruler’s personal judgment but according to some impersonal standard, people will be less prone to lobbying and also less prone to opposing decisions because they are unlikely to succeed in influencing the decision this way.

¹Brindley (2013), p. 2.

²Relatedly, Kuhn (1995) suspects a blend of fears and authoritarian attitudes of a privileged elite behind arguments against Feng Guifen’s proposals to expand political participation based on public-mindedness (*GONG*) vs. self-interest (*SI*) circulated for comment among high officials by the Guangxu emperor.

³Brindley (2013), p. 4.

⁴Metzger (1973), pp. 268–269.

This stress on the need for impartiality (GONG) as opposed to partiality (SI) in administration modeled after “nature’s impartiality and unchangingness” is characteristic of Legalist and semi-Legalist writing.¹

Brindley (2013) argues that GONG and SI became increasingly viewed as an oppositional, dichotomic pairs of concepts towards the end of the Warring States period (approximately 350–221 BC).² GONG and SI had become an inextricably linked and hotly debated pair of concepts by the Warring States period. In the process, SI “accrued a negative, moral connotation of self-interest”, while GONG “became imbued with positive, moral meanings associated with impartiality and unity, usually associated with a universal Way, and sometimes associated with an imperial ruler who was supposed to represent such an interest”. Brindley argues that while in sources from the early to middle Warring States period, uses of GONG and SI as neutral designations of different social contexts dominate, SI was increasingly used to refer to negative qualities such as “self-centeredness” and “revolving around the self”, and GONG and SI were often paired to highlight contradiction. SI came to be associated with “breaking with the norms of proper behavior and the limits of proper desire in order to seek excess profit for the self”. GONG, on the other hand, came to be associated not just with state and the public realm, but also with righteousness (YI), and the Way. GONG as invoked in relationship to SI came to imply “an idealized, universally encompassing state [...] that takes everyone’s interests into account in an objective and impartial manner” ruled by “the idealized cosmic ruler, who demonstrates gong values and implements gong measures through standardized or objective measures.”³ Brindley’s main sources are the *Analects*, *Mozi*, *Zuozhuan*, *Shangjunshu*, *Mencius*, *Guanzi*, *Zhuangzi*, *Shenzi*, *Lüshi chunqiu* 呂氏春秋 and the *Zhuangzi* 莊子. The *Mozi* associates SI with the ruler spending money on a huge private harem instead of reserving it for public expenditures, criticizes self-interested leadership as “depleting others to benefit oneself (or: one’s private circle)” (kua ren zi li 虧人自利), and juxtaposes universal standards (GONG) with the particular interests of individuals and groups and with contemporary problems of nepotism, family solidarity and favoritism. The *Shangjunshu* contrasts the SI of private interest groups with the GONG of the central, royal state, and also refers to favoring one’s relatives (qin qin 親親) as selfish (SI). Both the *Shangjunshu* and the *Mencius* refer to unauthorized and unlawful action as SI. Both *Shenzi* and the *Guanzi* regarded “laws and methods” (fashu 法術) as one of the means by which a ruler approximates the ideal of impartiality (GONG) and prevents partiality (SI). The fragments of the *Shenzi* which mention GONG and SI are evidence that GONG was in theory not necessarily equivalent with the personal perspective of the ruler, but designated a perspective transcending the partial inclinations of individual rulers and connected to the universal, unbiased tendencies of the cosmos.⁴

Common good and private interest were regarded as complementary by some thinkers by the early Qing. The common good was not to be identified with the private interest of the ruler or ruling clan,

¹Metzger (1973), p. 28

²Brindley (2013). Brindley seems to suggest that GONG-SI as a neutral reference to social spheres was replaced by the use as value orientations. This is a bit odd, as GONG-SI certainly continued to be used as neutral references to social spheres.

³Brindley (2013), pp. 5; 11; 14.

⁴Brindley (2013), pp. 11–27.

however, as pointed out by Huang Zongxi. Rather, the ruler should reconcile the natural self-interest (LI) of everyone (the common people and the officialdom) into the public good by means of an appropriate institutional framework. This view was popularized by an essay in Gu Yanwu's 顧炎武 (1613–1682) *Rizhilu* 日知錄 (Notes on Knowledge Accumulated from Day to Day), that was extremely popular during the Qianlong and Jiaqing reigns and influenced, amongst others, Gong Zizhen.¹ Gu posited that the “‘invisible hand’ [...] of the sage who consciously built recognition of self-interest into his designs for governmental structure” would see that private selfishness leads to public benefit.²

“It is the human condition to cherish one’s family and to have partiality (SI) for one’s own sons. [...] The sage will take advantage of this predisposition. He will use everyone’s selfishness (SI) to realize his own public-mindedness (GONG), and the world will be well governed.”

天下之人各懷其家，各私其子，其常情也。[...] 聖人者因而用之，用天下之私，以成一人之公而天下治。³

Building private interests “into the system” and then proactively advocating their pursuit goes one step further than admitting that the “average man in charge” cannot be expected to act altruistically and free from personal interests (realizing that he is being partial may already represent a problem for him) and therefore building up countermechanisms to prevent their pursuit. The changes to the bureaucratic system advocated by Gu included providing magistrates with “personal stakes” in the system, for example by permitting them to appoint their own successors. Gu Yanwu’s ideas were part of a notable tendency in late Ming and early Qing Confucianism to relax moral absolutism that probably started in the sixteenth century. The conviction that economic independence was the precondition for individual dignity and morality (intellectual and moral independence) became more widely shared at the same time as conviction of the existence of legitimate self-interest (SI) and legitimate desires (yu 欲). This is evidenced by statements by Chen Que, Dai Zhen and Qian Daxin, amongst others.⁴

3.2.2 FUNCTIONS IN QING STATECRAFT DISCOURSE

The writings collected in the statecraft compendia use GONG and SI in their argumentations to designate both social spheres and interests related to these spheres. In extension, they are also used to refer to general inclinations to impartiality, universalism or even altruism on the one hand, and partiality, particularism and egoism on the other hand. When using GONG and SI to refer to interests or value orientations, authors employ both of the modes described in the previous subchapter. What authors

¹Yu (1997), pp. 20–28.

²Dunstan (1996), pp. 65–66. Dunstan (1996) shows that while Gu Yanwu’s point was related to political theory, the same idea can be found in remarks about political economy in the Qing dynasty.

³Gu (1983), pp. 14–15.

⁴SI can also designate moral-intellectual and economic independence, for example in the writings of Chen Que. Yu (1987), pp. 101–104. See also Yu (2013), p. 123.

unanimously condemn is pursuit of private interests on the cost of others and the public good, to “seize public property (GONG) for one’s private use (SI)” 占公為私 and to “harm others to benefit oneself” 損人益己.¹

Numerous texts in the statecraft compendia deal with official corruption and irresponsibility. SI interests are regarded as particularly problematic when they lead people who have considerable power over resources or other people to abuse their power to their own private benefit at the expense of the public good. These can be officials, community leaders, or merchants. The common people’s legitimate SI interests, for example, for food and shelter, are regarded as inherently reconcilable with and actually outright constitutive of the GONG interest. Officials also have such legitimate private interests. The objective of any policy is to benefit both state (GONG) and the people (SI) while preventing embezzlement of public funds (zhongbao 中飽) by the layer “in between” the people and the state, i.e. officials, sub-official functionaries and other informal groups attached to the bureaucracy.²

GONG is associated with fair outcomes of policies, that promote the efficacy of government. If the public-minded (GONG) and self-interested (SI) inclinations of the men in charge (REN) are properly balanced, this promotes the outcomes in the public interest (GONG). Proper selection of the men to be put in charge (REN) and sanctions, that is promotion and demotion and other rewards and punishments, help to keep the balance. Because selection cannot guarantee that only perfectly public-minded (GONG) gain access to public office, both personnel management and legislation need to strive to create conditions under which less public-minded individuals “have no way to pursue their selfish interests (SI)” 無所容其私. Up to a certain degree, negative sanctions can inhibit self-interested (SI) and promote public-minded (GONG) action. Subsistence is a legitimate private interest (SI), so that extreme altruism cannot be expected from the average official. Providing officials with a sufficient budget can therefore also help to contain official corruption. Both positive and negative sanctions are mostly regarded as an aspect of REN or personnel management, not an aspect of FA. At the same time, certain institutional settings or regulations (FA) can help to promote public-minded (GONG) behavior and discourage self-interested (SI) behavior.

But in the end, it remains a fact that regulations (FA) have no agency of their own, but that it has to be implemented and complied to by REN who are “oriented towards public interest (GONG)” 秉公執法. Compliance to administrative regulations (FA) is associated with public-mindedness (GONG), non-compliance with self-interest (SI). If the officials in charge of recruiting pay attention to select officials (REN) according to whether they are public-minded (GONG) not self-interested (SI), regulations (FA) can be designed less restrictive.³ At the same time, GONG is associated with compliance to regulations (FA), while SI is associated with defiance of regulations (FA). Acting in accordance with the regulations (FA) is classified as GONG behavior, acting against the regulations (FA) is classified as SI behavior. GONG

¹HCJSWB, 36:23a–29b.

²Note that local, i.e. sub-provincial officials are at times associated with the GONG (public) sphere and sometimes associated with a third, guan 官 (official) sphere separate from both GONG and SI.

³See Ren Yuanxiang’s and Tao Zhengjing’s writings discussed the next section.

is closely connected with “guarding” or “complying to the regulations (FA)” 守法, and both are again connected to “restricting oneself and cherishing others” 約己愛人. For example, Ji Yun 紀昀 (1724–1805), a member of the Grand Secretariat, writes in 1754 that the ranks of district magistrates were not completely devoid of persons of integrity and public-mindedness (GONG) who respect the regulations (FA), and who restrict themselves to cherish others” 方今清公守法約己愛人者.¹ Self-interest (SI) on the contrary gets linked with bending and breaking the regulations (FA). For example, Li Jian 李建 (?) associates the demise of a policy of regular cadastral surveys (bianshen 編審) with the fact that “some men harbored the selfish (SI) idea to evade the regulations, and bad functionaries encouraged them to do so, so that abuse became frequent” 人懷規避之私念, 而奸蠹胥書復從而熒惑之, 於是弊竇叢生.² Zheng Guanying similarly associates law-abiding behavior with public-mindedness (GONG) and deviation from the laws (wubi 舞弊) with personal interest (SI).

“What men strive for in the world is reputation (MING) and profit (LI). If reputation weighs heavier than profit for a person, this person will respect the public good (GONG) and abide by the regulations (FA). If profit weighs heavier than reputation for a person, this person will engage in deviant acts and work to advance his personal interests (SI).”

天下人之所斷斷而爭者。名利而已矣。名重於利者。奉公而守法。利重於名者。舞弊而營私。³

Note that Zheng Guanying also says that the yamen clerks (shuli 書吏) receive such a low salary that if they “abnegated their personal interests to advance the public good” 奉公潔己 they would not be able to make ends meet. Zheng Guanying, as well as other authors, were well aware that “the kingly way never ignores the human condition (RENqing), the average official (zhongREN) must be able to comply with the regulations (FA)” 王道不外人情, 法期於中人能守, and that “impoverished officials engage in corrupt practices” 官窮則貪.

The GONG-SI polarity becomes considerably more dominant in late nineteenth century discourse. GONG and SI are conceptualized as binary opposites, but public-mindedness (GONG) usually does not refer to self-denying altruism but rather to legitimate self-interest (SI). There is more readiness in the late nineteenth century to attribute public-mindedness or self-interestedness to institutions or regulations as an inherent feature, not just to the men who run them and their outcomes.

3.2.3 CIVIL GOVERNANCE (lizheng 吏政)

The texts about personnel politics and bureaucratic discipline talk about the private interest (SI) of men in charge (REN), not the private interest (SI) of the common people. As discussed in chapter 2.3, bureaucratic discipline (lizhi), or rather the lack thereof, widespread official corruption, was regarded as the

¹HCJSWB, 15:21a–22b.

²HCJSWXB/GE, 30:1a–b

³HCJSWSANB/CHEN, 23:24a–b

fundamental issue underlying other major problems such as budget deficits and domestic unrest. Corruption is per definition selfish (SI). Officials, who are bestowed considerable power by virtue of their office, must be public-minded (GONG), not self-interested (SI). It is part of their job description (MING) that they do not abuse their power to pursue private interests (SI) that run counter to the public interest (GONG). Illegitimate private interests (SI) are illegitimate because their pursuit involves harming others, the people or the “public interest”, in order to attain personal benefits.

Remarks on GONG and SI by Zhang Lüxiang, Chen Hongmou and Woren are illustrative of the concept of illegitimate SI. Zhang Lüxiang juxtaposes GONG-harming SI with benefiting on the expense of others: “seizing public property (GONG) for private use (SI) and harming others to benefit oneself is not what a man should do.” 若乃占公為私，損人益己，自非人之所為矣。¹ Chen Hongmou 陳宏謀 (1696–1771) does not use GONG and SI as a polarity, but both categories still play a key role in his letters so that they can serve to illuminate the spectrum of meaning of GONG and SI. Instead of contrasting SI with GONG, Chen Hongmou contrasts SI with “for the people” (wei min 為民), and GONG with partial (pian 偏). In a letter to Yang Xifu 楊錫紱 (1701–1768), Chen paints a scathing portrait of bureaucratic egoism.² Chen criticizes “those pursuing official careers who harbor selfish intentions to turn everything into their own benefit and convenience” 仕途中人懷便利之私.

“For every matter they encounter, they are very much concerned about themselves and very little concerned about the people. If they are aware that something will benefit the people but that there will be no benefit for themselves, they will refuse to do it. And even if the performance of a task just requires some effort from their part, they will put on a terrified face and warn against it.”

每遇一事，為己之念重，為民之念輕。明知其於民有益，而於己無益，亦不肯為。若更于己有累，則動色相戒。

Woren diagnoses “petty men” (xiaoren 小人) with a sort of cognitive dissonance that makes them confuse their own private interests (SI) with the public interest (GONG).³ The most important task of personnel politics is therefore to tell the “superior men” (junzi 君子) from “petty men”, says Woren.

Theoretical texts that approach the problem of bureaucratic discipline on a more general level talk more about reconciling GONG and SI, for example about differentiating legitimate and illegitimate SI, and about how private interests and behavior constitutes public interests and behavior. In general, writings concerned with specific practical problems more often talk about GONG-harming SI. The following discussion of writings on bureaucratic discipline from the pre-1898 statecraft compendia will therefore primarily be dealing with authors associated with GONG and GONG-harming SI. This section examines seven writings from the HCJSWB and six writings from the HCJSWXB/GE and the HCJSWXB/

¹HCJSWB, 36:23a–29b.

²HCJSWB, 16:31a–b

³HCJSWXB/GE, 14:3a–4b.

SHENG. The writings from the HCJSWB mostly date from the seventeenth and eighteenth century, with the exception of Zhang Pengzhan's essay written in the nineteenth century, while the writings from the HCJSWXB/GE and HCJSWXB/SHENG all date from the nineteenth century.

The solutions that the authors propose in the context of their specific problems follow different patterns. Ren Yuanxiang and Tao Zhengjing suggest that public-mindedness GONG must become the central criterion in the recruitment of officials (REN). If officials are GONG instead of SI, regulations (FA) can be relaxed, energies bound up in efforts to follow minute protocols are freed and administrative efficacy will go up. Wang Huizu recommends the readers of his handbook that they themselves can abstain from colluding with their superiors in private (SI) business if they position themselves clearly from the very beginning as being only interested in dealing with matters of public (GONG) interest. Zhou Xifu argues that current monitoring and sanctioning magistrates by their superiors is not enough to ensure that magistrates stay public-minded. He suggests a combination of moral instruction and more monitoring instances. Li Fu insists that sanctioning must distinguish between GONG offenses, committed in the public interest or unintentionally, and SI offenses, committed for private gain. Wei Xi and Zhang Pengzhan propose mechanisms of mutual control to ensure a proper balance of GONG and SI inclinations.

Bao Shichen's, Hu Linyi's and Wu Ting's solutions focus on the provision of adequate funds (positive sanctions) that enable officials to put the public good before their private interests. Tang Peng, on the other hand, suggests that officials' private interests have to be eliminated through instruction in modesty. Zeng Guofan writes about the ability of the emperor to act perfectly public-minded (GONG). He interrogates the idea by pointing out that not everything the emperor decides and does is automatically public-minded and that the emperor has to make an effort to understand the public good and the perspective of the people. Feng Guifen challenges the idea that the public good can only be achieved in a top-down manner, and proposes a bottom-up approach instead. His suggestion to let low officials elect high officials points to the construction of the "public opinion" that represents the "public interest" and is supposed to counterbalance biased or particularist interests.

Ren Yuanxiang and Tao Zhengjing argue in their essays about recruitment and appointment that the laws (wenfa 文法) controlling and restricting civil servants can be relaxed if officials are recruited for the public-minded character.¹ Ren argues that careful observation of candidates' speech and comportment is a good indicator of their character and can be used to tell public-minded from self-interested candidates: "One cannot really learn to tell men's (REN) character but observing their comportment and speech is already half the story" 豈知人本不可學，而冥行聽數，亦有得半者乎. The avoidance of appointing officials to posts within five hundred miles of their native place (huibi 迴避) becomes obsolete if the officialdom consists solely of public-minded individuals.

"We have the expression 'forgetting one's family when caring for the state' and 'forgetting

¹HCJSWB, 17:1a-2b.

one's personal interest (SI) when caring for the public interest (GONG). If this is carefully observed and appointed officials do not think about advancing their own family's interests, then there is no reason for suspicion. If the official only strives to serve the ruler, the ruler can slightly relax the regulations (wenfa 文法)."

語云。國爾忘家。公爾忘私。當此講求詳慎之時。任事者果不以私家為念。則嫌疑不必避。而惟以人事君之是圖。上亦稍寬其文法。

Tao Zhengjing doubts that the avoidance rule is effective in influencing officials' behavior at all.¹

"If a man put in charge (REN) cannot administer regulations (FA) in the public interest (GONG), why would he not be just the same in a place a thousand miles from his native place? If a man is public-minded (GONG) and without self-interest (SI), why should he change when appointed to his native place?"

夫人臣苟不能秉公執法。雖在數千里外。庸必無姻親故舊耶。若其公正無私者。雖在本籍。又安能撓之。

The selection of public-minded instead of self-interested candidates would make the avoidance of assigning officials to their home region obsolete. It would even be beneficial not to assign officials to posts too far from their home, as was the practice during the Tang dynasty. It saves time and funds if officials do not have to resettle, and ensures that they can rush home in case one of their parents gets sick. This will reduce their worries so that they can be even more public-minded in their administration of their local business, and ever more loyal to the court, says Tao.

In an extract from the Xuezhi yishuo 學治臆說 ("Personal thoughts on scholarship and governance"), a handbook addressed magistrates and private secretaries, Wang Huizu 汪輝祖 (1730-1807) discourages the mingling of public (GONG) and private (SI) spheres in the relationship with superiors.² Wang employs GONG and SI to relate to the superior's public business, related to the sphere of administrative affairs, versus his private affairs, related to the sphere of family and friends. Wang recommends the readers of his handbook that the best strategy to avoid involvement in corruption is to never assist their superiors in private business by principle. According to Wang, this should apply both to straightforward private matters (SI shi 私事), as well as to matters that "seem public (GONG) but are conducted with private (SI) intentions" 名為公事而行私意於其間. Once a subordinate accepts to assist in private business, he parts with his personal conscience (ben xin 本心) and is prone to be drawn into assisting in more and more private affairs, which in the end is very likely to involve "losing all restraint and bending the law" 喪檢執法. To steer clear of this risk, subordinates should show their superiors from the first day in office that they "do not care about private interests (SI), and only care about the public

¹HCJSWB, 17:30a-31b.

²HCJSWB, 21:58a-59b.

interest (GONG)” 不知有私惟知有公. Wang assures that this strategy is a valid way of gaining one’s superior’s trust. Gaining one’s superior’s trust is an important first step when taking up office, but it does not mean that one has to ingratiate oneself with one’s superior by whatever means necessary. Usually, superior officials have accumulated enough experience with affairs and people to be able to tell whether an official is honest about maintaining his independence and will accept it.

Zhou Xifu 周錫溥 (1745–1804) argues that a combination of top-down control and instruction promotes public-minded (GONG) attitudes and inhibits self-interested (SI) attitudes among magistrates.¹ The people’s lives depend on the tasks that are the magistrate’s responsibilities, the two most important of which are the provision of granaries and the adjudication of crimes. The magistrate’s superiors only learn about the situation of the local granaries once a year and they only get involved in the adjudication of criminal cases if they are particularly serious. It is therefore vitally important that the magistrates are public-minded (GONG) in their administration because superiors cannot intervene in time to prevent the harm caused by selfish (SI) magistrates.

“If the abuse has not been committed just most recently, then even a superior official’s indiscriminating public-mindedness (GONG) cannot undo the gradual destruction of human lives caused by the magistrate’s selfishness (SI). This is why the fate of the state depends all on the magistrate.”

自非弊之既破。則雖以上官一視同仁之公。不能勝州縣積漸殺人之私。今天下大命獨懸於州縣而已矣。

It is not enough to have public-minded (GONG) superiors, as they cannot necessarily learn of and reverse selfish (SI) acts of the magistrates. Magistrates have to be and act public-minded themselves. The measures with which the upper levels of the bureaucratic hierarchy have to ensure that magistrates act public-minded are a combination of hard and soft methods. On the one hand, the magistrates have to receive instruction in modesty and frugality to improve their attitudes. On the other hand, control instances have to be set up to ensure that magistrates perform their duties.

We find a short comment on the importance of differentiating GONG and SI motives for offenses against administrative regulations in an essay by Li Fu 李紱 (1675–1750) on the fundamental tasks of personnel management: appointment, monitoring and sanctioning of officials.² In the discussion of sanctioning, Li Fu conforms with the widely-held view that offenses committed with private (SI) motives should be punished heavier than offenses committed with public (GONG) motives.

“The dismissal of misguided officials and the promotion of clear-sighted officials is a fundamental principle of managing officials (zhi guan 治官). How can we not punish an official

¹HCJSWB, 20:33a–38b.

²HCJSWB, 15:33a–36a.

who has committed an offense? However, we have to be discriminatory when it comes to the motive of the offense. We have to examine whether it was public interest (GONG) or personal interest (SI). An official who takes bribes and bends the law (FA), should not be retained in office even if the offense is small, provided there is actual evidence of his corruption. An official who commits a deviant act for the sake of public interest or due to the force of circumstance or ignorance should not be dismissed from office permanently.”

夫黜陟幽明。治官之典。官苟有罪。安得不參。惟當辨其過故。察其公私。凡貪贓枉法。實有受賄劣跡者。罪雖小而必不可留。凡因公註誤。或迫於不得已。或陷於不及知者。罪雖大而不可輒去。

Li defines private (SI) offenses as offenses involving the acceptance of bribes and the bending of the law, while he regards public (GONG) offenses as acts in the public interest and forced by circumstances.

Li emphasizes that harshness (yanke 嚴刻), that is, prosecution that does not properly distinguish between public and private offenses, is not in the public interest. Governors-general and governors should cease to “regard harshness and the impeachment of subordinate officials on a daily basis as a service to the public interest” 以嚴刻為公日以參官為事 because it leads to personnel shortage and bad governance on the district level. Many magistrates only manage to hold onto their post for half a year, or even only a few months before they are dismissed for an offense. They cannot develop an administrative routine in such a short period of time, so that sub-official functionaries run most of the administration, who are difficult to monitor. Li cites the Song dynasty official Fan Zhongyan 范仲淹 (989–1052) warning that harsh rules foster bureaucratic lethargy.

“Officials must not commit offenses for the sake of their personal interests (SI). But they usually cannot avoid committing offenses in the public interest (GONG). If they are made to fear committing offenses in the public interest (GONG), they will also shun taking up responsibility and doing their administrative work.”

當官者私罪不可有。公罪不可無。誠以畏避公罪。則無敢任事者。

The above argument employing GONG and SI is part of a larger argument that takes its fullest form only at the end of Li’s essay. Here, Li presents the relaxation of sanctions for offenses “committed in the public interest” as but one point among the suggestions on how to accommodate mediocre officials. Because the number of vacant posts in the bureaucracy exceeds by far the number of truly upright (xian 賢) men available, the throne has to resort to employing the more mediocre candidates (zhongcai 中材) and creating conditions under which they can play their part well and do not go astray. In order to make sure that officials fully carry out their official duties, the duties of each office should be very clearly delineated. Officials found guilty of corruption or brutality are to be put under trial at once, and officials who are particularly incompetent are to be dismissed immediately. Officials who display extraordinary talent and integrity should be granted exceptional promotions (teba 特拔). The ordinary,

mediocre officials, however, should be enabled to climb the local career ladder successively, according to their seniority, and as their administrative experience grows with the time they spend in office.¹ Minor offenses (xiao guo) 小過, that is, offenses committed “in the public interest” and owed to the force of circumstances, should not serve as a cause of dismissal for mediocre officials.

Censor Zhang Pengzhan 張鵬展 (†1840) lists five issues concerning bureaucratic discipline which need to be addressed in a memorial written in 1800, one of them the shortage of funds on the district level induced by magistrates’ diverting earmarked funds for other purposes.² Zhang emphasizes that the overwhelming majority of cases of misappropriation of public funds happen out of private (SI) motives, not out of public (GONG) motives. According to Zhang, insufficient salaries are not the cause of widespread budget deficits, as magistrates receive a decent salary. Instead, he blames misappropriation on magistrates’ luxurious lifestyle, their efforts to improve their own advancement to lucrative posts by bribing their superiors, poor financial management (characterized by a lack oversight of the spending habits of family members and personal servants, as well as an over-readiness to give in to financial demands of superior yamen), and, finally, the “pursuit of personal (SI) gain” (ying SI 營私, that is, officials sending administrative funds home or using public funds to buy posts for junior family members) as reasons.

“Corruption in general involves so many people that it is hard to punish everyone. Officials therefore pursue their personal interests (SI) unimpeded. The number of those who create deficits for the sake of the public interest (GONG) is minuscule. It is really not more than three to five percent.”

牽纏攀累。或難盡誅。所以侵私迄無顧忌也。若因公賠墊。以致短少。實不過百中三五而已。

Zhang doubts that governors-general and governors are unaware of the embezzlement going on at this scale, but that there are four reasons holding them back from reporting their subordinates to the censorate: fear of punishment for failure to monitor their subordinates properly, fear of punishment for involvement because they have accepted gifts from their subordinates, sympathy for their subordinates and reluctance to cause them trouble, and capitulation in the face of the sheer dimension of the task and the feeling that their own actions, however determined, will never reverse the trend but only earn them a “bad reputation for oppressive treatment” (kebo zhi ming 刻薄之名) of subordinates.³

Embezzling public funds has thus become such an ingrained habit and cases so numerous that mere reliance on disciplinary action is not effective enough. All this justifies a thorough reworking of the

¹What Li imagines is to locally advance from district magistrate (of a zhou or xian) to assistant of the local prefect (ben fu zuoni 本府佐貳), to local prefect (ben fu 本府), to local circuit intendant (ben dao 本道).

²HCJSWB, 20:27a–32a.

³In the Qing dynasty, the first person expected report official offenses were the superiors, not the censors. See Metzger (1973), pp. 270–271.

task structure in the upper echelons of the provincial administration with the aim of regulating duties more clearly and establishing mechanisms of mutual control. All past cases of misappropriation of public funds have to be put under thorough investigation. Furthermore, to facilitate exposure of future cases, Zhang Pengzhan suggest to change the current situation where the responsibility to monitor official budgets is shared by all high provincial authorities, including the governor-general, governor, the provincial administration commissioner (buzhengshi 布政使 and the provincial surveillance commissioner anchashi 按察使) and (daoyuan 道員 or daotai 道臺, heading branch offices of the provincial administration commission and the provincial surveillance commission), and instead confer all monitoring responsibility to the lowest of the four, the circuit intendants. The circuit intendants of one province are just enough in number and their other duties just light enough so as to render them able of shouldering the monitoring responsibility. Zhang points out that the system he envisions is an example of “mutual control” (xiang wei xiang zhi 相維相制). To reduce incentives to collaborate with officials guilty of embezzlement, circuit intendants are to be made liable for failure to impeach corrupt officials. The circuit intendants do not only monitor magistrates, but also the higher provincial authorities. The governor-general, governor, provincial administration commissioner and provincial surveillance commissioner will be reluctant to engage in corruption for fear of being exposed by circuit intendants. Due to the nature of the task, the circuit intendants themselves have little opportunity to engage in corruption, but if they nevertheless manage to do so, the governor-general and governor can impeach them.

Wei Xi has a similar approach of a model (FA) that realizes “mutual control between people and officials” 官民相制 to promote public-mindedness (GONG) and impede selfishness (SI) on the part of the people in charge.¹ The intention behind community granaries is not just famine prevention, but also to foster people’s sense of honor and social peace between the rich and poor in the local community. Wei Xi presents a roadmap for the adaption of Zhu Xi’s granary scheme (FA) to the current times. He lays out the operations of the granaries that involves two kinds of personnel: local granary masters (chosen from among the local people, their number depending on the size of granary and local community) and the magistrates. The special feature of Wei Xi’s model for the operation of the granaries is that the professional relationship of these two groups of personnel is one of mutual control (xiangzhi 相制). The officials monitor all operations and ensure that everyone proceeds according to the regulations (FA), especially that the local people put in charge of the granaries do not engage in actions that are “not in accordance with the law (FA) and public interest (GONG)” 不法不公. The people, meanwhile, monitor the in- and outflow of grain, which in turn keeps the monitoring official from diverting stocks into his own pocket.

“Equipping the official with the power to reward and punish will instill respect (for the regulations) in the people. Conferring the task of keeping account of the amounts of incoming and outgoing grain to the local people will render the officials unable to (illegally

¹HCSWB, 41:10a–20b.

profit from the granary) for their own private (SI) advantage. This is a scheme (FA) that implements so called ‘mutual control’, it is without flaw (bi).”

蓋以賞罰之權歸於官。則人知所畏。以出入之數歸於民。則官無可私。所謂官民相制。其法無弊者也。

The HCJSWXB/SHENG contains a letter authored by Bao Shichen on the challenges facing an official such as developing an empathy for the people and dealing with local opposition.¹ Another challenge is the proper balance of public (GONG) and private (SI) interests. A commentary appended to Bao Shichen’s letter identifies the clear analysis of the relationship of GONG and SI as the main distinguishing feature of the letter. The commentary must have been authored by one of the editors of HCJSWXB/SHENG, as it justifies the placement of the letter in the general chapter “On civil servants” (lilun 吏論) within the lizheng with its relevance for both magistrates and higher ranking officials.

Gong presents public (GONG) and private interests (SI) as generally compatible but their balancing as a non-trivial challenge that is easily lost. Because literati are worried about their livelihood, especially those who hold office, they tend to give equal weight to public (GONG) affairs and their own private (SI) affairs. If their office cannot bring their family any advantage, this will affect their conduct of public affairs, and officials will not be able to conduct administrative business freely. This is dangerous, Bao suggests. If one puts the public affairs (GONG) first and one’s private affairs (SI) second, the public affairs will still allow to take care of one’s private affairs, but not the other way around. If one puts one’s private affairs (SI) first and the public affairs (GONG) second, the private affairs will affect the public affairs negatively. A critical awareness of this fact is crucial to preventing private interests (SI) from affecting the conduct of public (GONG) affairs.

Bao Shichen’s contemporary Tang Peng 湯鵬 does not think of GONG and SI as reconcilable. The first writing in the opening chapter of the personnel section of HCJSWXB/SHENG is a treatise by Tang Peng on “Instruction in modesty and integrity” 訓廉.² In order to do justice to the trust that the emperor has placed in them in conferring them a post in the bureaucracy, Tang Peng says, and in order to put all efforts and energies in the administration of their jurisdiction, officials “must eliminate all private interest (SI) and pursue the public interest (GONG)” 不能毋割其私以從公. Pursuit of public good and private interest clearly exclude each other in Tang’s view.

“It is not possible to pursue the public interest (GONG) and one’s private interest (SI) at the same time. Someone who pursues his private interest cannot pursue the public interest afterwards. Someone who pursues the public interest cannot pursue his private interest afterwards.”

公與私不兩營。私則不得復公。公則不得復私。

¹HCJSWXB/SHENG, 19:33a–34b.

²HCJSWXB/SHENG, 18:1a–5b.

What Tang suggests is to prevent officials from pursuing private interests is to “instruct them in modesty and integrity” 訓廉.

GONG and SI figure among the key categories of Hu Linyi’s 胡林翼 (1812 – 1861) argument on how to improve bureaucratic discipline (lizhi 吏治) with respect to excessive surcharges.¹ According to Hu, economic autonomy fosters moral autonomy. A number of fees, for example, the lijin 厘金, have been established to meet the enormous military costs China is facing. The problem is that all these fees come with surcharges that are unofficially established (SI she 私設) or even extorted from the people. Fees allegedly levied for “urgent public purposes (GONG)” 急公 harm the state and its people instead. “The amount raised for the public purpose (financing the military) is meagre, they amount they deprive the people of is considerable” 其所繳於公者薄。其所取於民者厚。The fees levied by officials privately (sishou 私收, that is, unofficially, without official authorization) cancel out tax reductions in disaster-struck regions. Hu says there is no doubt that these funds are either pocketed by sub-official functionaries or end up in officials’ “private (SI) pockets” 私囊.

To impeach and dismiss overcharging officials will likely further exacerbate the shortage of personnel on the local level. The solution Hu suggests is therefore to specifically target “bad habits in connection to official entertainment” 官場應酬陋習 and thereby reduce financial pressure on subordinate officials. Superiors play a decisive role in this process because they can contain the spiralling costs of their subordinate yamen. If superiors do not demand generous gifts and do not expect luxurious entertainment from subordinate yamen, their subordinates will not run into financial difficulties and are in a position to cultivate their own integrity. Furthermore, the moderation and integrity of a superior will retroact upon his subordinates. If extravagant instances of spending for official entertainment are put under strict punishment, officials will come to cherish an honesty and simpleness (chunpu 淳樸) and cut spending on superfluous items.

“It is in human nature to strive to make things convenient for oneself (SI). As long as a superior does make financial demands, his subordinates can support themselves. If we want officials to accept the obligation to act with integrity, we first have to improve bureaucratic culture. The values endorsed by the lower officials depend on the values endorsed by the high officials. If we keep this in mind, we do not have to worry about constant exhortations because official attitudes will improve by themselves.”

觀人情固欲自便其私。上無所求。則下可自贍。責以廉潔而無辭。風尚必使先趨於正。大官所好。即吏所瞻。不煩董戒而自變。

We see here once again that SI is a fluid category. It can indicate both legitimate and illegitimate SI (detrimental to the “public good”), without the author making this explicit. Here, Hu puts the natural human tendency of striving to accommodate one’s personal interests at the root of the solution. The fact

¹HCJSWXJ/RAO, 15:3a–7b; HCJSWXB/SHENG, 94:11a–15b.

Hu regards this tendency as legitimate and does not suggest to suppress it, but to work with it, indicates that Hu adheres to a understanding of private interest (SI) that accepts that there an officials has legitimate private interests (SI).

Wu Ting 吳鋌 (?-?) departs from a similar point of view as Hu Linyi, that economic independence fosters integrity and alleviates the burden of surcharges on the population.¹ He argues that officials will readily “serve the public interest (GONG) and forget their personal interest (SI)” 奉公忘私 if given a decent salary. Wu presents the ability to “serve the public interest (GONG) and forget one’s personal interest (SI)” as a professional requirement which men who pursuing an official career have to fulfill. An official who has the duty to use the special powers invested in him by virtue of his position responsibly, and must not abuse them for his personal advantage.

For Wu Ting, decent salaries resonate with the fundamental principles of good governance, moral transformation and wise ordering (hua li 化理). Raising official salaries and ensuring that they can both support their family and perform their official duties was the measure of choice to prevent corruption employed by the sage rulers of antiquity and by the more enlightened rulers of the Han and Tang dynasty. In later times, official salaries were in general insufficient to support the official and his family. Officials above the district level were supported by customary fees that they received from the magistrates who levied them as surcharges on the regular taxes. Upright officials suffered from a chronic shortage of funds, while officials with lower moral standards impoverished the people with their surcharges. The only practical problem with higher official salaries is that the funds have to come from somewhere. A general salary raise would deprive the state treasury of funds needed for other things. Wu Ting suggests that instead of increasing officials’ monetary compensation, officials can be compensated by giving them right to collect the rent from so-called public fields (gongtian 公田). This will also get officials closer involved with peasant life and the toils of agricultural work, Wu Ting claims.

Feng Guifen employs GONG and SI to argue for turning the recruitment procedures for state officials upside down in the essay “Making the evaluation of officials a public (GONG) process” (GONG chuzhi yi 公黜陟議) from Feng Guifen’s famous collection of reformist essays, the Jiaobinlu kanyi 校邠廬抗議.² Feng criticizes that after qualifying for official status by means of a written exam, future officials are selected by a small exclusive body of high officials. Feng doubts that such a “private” (SI) method that bases selection of officials on the personal judgment of a few does indeed select the most talented and virtuous candidates. What Feng proposes instead is the abolition of written examinations and the involvement of broader sections of the bureaucracy in the selection of high officials, including low-ranking officials.

¹HCJSWXB/SHENG, 20:1a–2b.

²HCJSWXB/GE, 14:2a–b. “Making the evaluation of officials a public process” is Kuhn’s (1995) translation of the title, Kuhn (1995), p. 324.

“Should recruitment of officials (textscren) today give more weight to the personal (SI) opinion of a few, or should it give more weight to the public (GONG) opinion. The answer is definitely: public opinion should be given more weight!”

取人者 [...] 將重一二人之私見乎？將重千百人之公論乎？則必曰：公論重矣！

Nominated candidates should be ranked according to the number of nominations received, and then be appointed to the respective office in the order of their position on the ranking list as soon as there was a vacancy. A similar “public” (GONG) procedure should be set up for the selection of local officials, and even first-degree holders and village elders should have a vote in their election. Feng presents the proposed procedure as an adaption of current practices.

“The guiding principle is to adapt the Ming procedure of recruiting officials through collective nomination, and to broaden the circle of people qualified to nominate candidates. This means to adapt the current system of recruitment and reverse its rules, shifting the right to name candidates to the lower level.”

道在以明會推之法廣而用之。又以今保舉之法反而用之。會推必重臣之貴，今廣之於庶僚。保舉為長吏之權，今移之於下位。

According to Feng, “making the evaluation of officials a public (GONG) process” consists in basing judgments on the opinion of a greater number of people. The advantage advertized by Feng is that the process becomes more objective and more talented and virtuous candidates will be selected.

Handwritten copies (chuanchao 傳抄) of the Jiaobinlu kangyi circulated after Feng had compiled the final version in 1861. The first printed edition appeared in 1876, two years after Feng’s death, and became an important piece of writing for scholar-officials associated with the self-strengthening movement. The Guangxu emperor read the collection on the recommendation of his tutor in 1889 and reportedly copied six of the essays by hand. In 1898 and following a proposal of the general secretary and minister of personnel Sun Jiading 孫家鼎 (1827–1909), the Guangxu emperor ordered to reprint of one to two thousand copies of the Jiaobinlu kangyi and distribute them to the officials in the metropolitan administrative agencies and have them hand in comments and annotations on the viability of Feng Guifen’s reform proposals within ten days, with the aim of probing their attitude towards the planned reforms. The result of order were 251 annotated copies of the Jiaobinlu kangyi returned to the throne from the various metropolitan offices, making for a total of 502 booklets (because the Jiaobinlu kangyi comprises two volumes), as well as 106 stand-alone notes.¹

Most of the 1898 comments on Feng’s proposal to “make the evaluation of officials a public (GONG) process” were hostile, and several employed the GONG-SI polarity to rebut Feng’s arguments for the re-

¹Zhongguo diyi lishi dang’anguan (2008), foreword. 463 booklets and 63 notes have been preserved in the First Historical Archives in Beijing and were compiled into a 25-volume facsimile edition in 2007.

form of the appointment process.¹ In their comments, Feng's critics argue that it is the conventional procedure of examining and appointing candidates, not the procedure envisioned by Feng, that maximizes objectivity and public good while reducing the opportunities for private interests to distort the process. For example, the Hanlin academician Cheng Ding 陳鼎 points out that the "public" opinion, the opinion of the crowd, which Feng praised as capable of producing impartial evaluations of merit was really motivated by private interest. Basing appointments on the opinion of lower officials and the local elite are not more objective or impartial (GONG), but instead allow private interests (SI) to invade a previously objective and impartial (GONG) procedure. The group of high officials in charge of selecting candidates are men who, specially qualified by education, have the ability to see and decide things from an objective (GONG) viewpoint that gives them clear view of the public interest because they can transcend their own private interests (SI). They will in general select good men, and are additionally held personally accountable for misconduct of the men they have recommended and have the duty to impeach misconduct among their subordinates.² The lower officials and first degree holders are not capable of such an impartial view of the public interest (GONG) because they are too fond of promoting their own personal interests (SI). Introducing their opinions into the decision process would make objectivity impossible. Therefore, the procedure suggested by Feng would lead illegitimate private interests to dominate the selection of officials and, subsequently, the operations of the bureaucracy. The many men with questionable moral standards among the lower ranks of the bureaucracy and among the local gentry will form factions to heave men into office who will advocate their illegitimate private interests, while the honestly talented aspirants will have no voice because it goes against their personal moral standards to form factions.³

GONG-SI became an omnipresent pair of concepts in the debates at the time. The issue looming behind the debates and the use of the GONG-SI was the controversial question as to which strata of society could be expected to have internalized the "public" perspective so as to be granted a voice in public affairs. Kuhn summarizes the reasons why Feng's critics preferred the current system of evaluation and appointment over Feng's proposal because they regarded it as the best system to ensure that the bureaucracy worked for the public interest and not particular private interests of some of its members.

"What the critics feared was [...] a political system dominated by factional strife, a scramble for advantage, and the exaltation of purely private ends. In such a system, not the cream, but the scum would rise to the surface. We must regard this fear as the deeply-ingrained attitude of a tiny privileged elite, which understood its monopoly of political power through the mandarin premise: that education raised men above petty, private con-

¹In the following I refer to the sample of comments on Feng's essay presented in Kuhn (1995), who had access to the original documents in the First Historical Archives. There is one inconsistency issue with Kuhn's sample and the 2008 facsimile edition. While Kuhn cites from Li Hongzhang's "comments" (jianzhu 箋註), the foreword of the facsimile edition says that Li Hongzhang's commented version of the Jiaobinlu kangyi (qianzhuben 簽註本) is among the 39 booklets lost.

²Kuhn (1995), p. 327.

³Kuhn (1995), p. 330.

siderations; and that high officials specially qualified by education must therefore embody a purer view of the public interest than those below them.”¹

There was a perception among even reform minded officials in the 1870s and 1880s that too many low-ranking men had gained access to government posts via the rank-purchase system. One of the leaders of “purist party” (qingliudang 清流黨), an affiliation of officials who opposed the court’s appeasement towards foreign powers, said the rank-purchase system was beginning to threaten order because it confused social distinctions and the proper relationship between public and private.² At least in an age, where people did not have public values internalized as in antiquity, an authoritarian rule was necessary to keep private interests in check.

“Assuming that top officials would do so [i.e., keep the private interests of their subordinates in check] presents a vexing problem: how could you be sure that top officials were not, themselves, acting on behalf of private interests? The problem ceased to exist if you believed that higher officials would inevitably have a more objective view of the public interest than lower ones, and that the bureaucracy as a whole would have a more objective view than mere private persons.”³

Feng, on the other hand, Kuhn believes, was as weary of unchecked power of local bosses and middlemen and longed as much for “greater objectivity and firmer enforcement of public interest over private” as his critics but that he believed, like Wei Yuan, “that the public the public interest was more widely internalized, among the elite, than conventional wisdom assumed”.⁴

The conventional perspective shared by many critics of Feng Guifen’s proposal was that the elevated position of the emperor at the apex of the power hierarchy was justified by the fact that the emperor “owed favors to no man” and was therefore “anchoring the system in the purest public-mindedness”.⁵ Zeng Guofan 曾國藩 (1811–1872) qualifies this assumption in a memorial written in 1850, the first year of the Xianfeng reign (1850–1861).⁶ In it, Zeng Guofan indirectly criticizes three weaknesses of the emperor by way of writing about three imperial virtues that can turn into weaknesses unless emperor is wary of it and takes precautionary measures. Respectfulness and carefulness can turn into pedantry, fondness of antiquity can turn into fondness of empty formulas. The third of the virtues-turned-weaknesses is openness towards criticism turned into wariness of criticism and overvaluation of one’s personal judgment.

Zeng Guofan says that the this third risk looms in the Xianfeng emperor’s approach to personal politics. In the previous year, the Xianfeng emperor had issued an edict calling for suggestions in the fields

¹Kuhn (1995), pp. 326–327.

²Kuhn (1995), p. 321.

³Kuhn (1995), p. 332.

⁴Kuhn (1995), p. 333.

⁵Kuhn (1995). p. 327.

⁶HCJSWXB/GE, 14:2a–3a.

of personnel politics (yongren) and administration (xingzheng 行政). In an edict this year, the emperor had rowed back as far as personnel politics were concerned, stating more than once that the power of appointing officials still rested firmly in his hands, virtually discouraging everyone else to get involved in personnel politics. Zeng Guofan extends the GONG-SI polarity with a third category, ming 明 (enlightened, wise, farsighted) to explain why it is not a wise tactic for the emperor to monopolize the selection of officials and bar views from below on the matter. The emperor's rationale for not heeding the opinion of critical officials is that he himself just acts as the proxy of Heaven, the highest moral instance in the cosmos. Heaven acts and through decides through the emperor, thus "there is not the slightest partiality (si)" 無纖毫之私 in the emperor's opinion, as it is really Heaven's opinion. The emperor then, per definition "does never hold his own personal opinion (but Heaven's), why then should the emperor still consult the opinion of his officials?" 初非自執己見豈容臣下更參末議.

Zeng objects that this reasoning leaves out one other group whose perspective the emperor needs to combine with his own perspective in order to arrive at a complete image of Heaven's perspective. This group are the people, with whose eyes and ears Heaven sees and hears, according to the Book of Documents (Shangshu 尚書). The emperor has access to the views of the people via the officials in the censorate.¹ It is not enough if a candidate selected by the emperor receives the approval of the members of the Grand Council (junjichu 軍機處) and the emperors immediate trustees, not even if he receives the approval of the high ministers in the metropolitan offices. Truly qualified candidates, Zeng says, receive approval from the officials in the censorate (kedao 科道) and all the people in the state (guoren 國人). The emperor may formally have the power of appointment, but he shares the capability to make the right decision with the rest of the empire. If the emperors views about a person are devoid of even the slightest partiality (si) can indeed be called impartial (GONG), Zeng says. However, they can only be called enlightened (ming) if they are confirmed by all people. What Zeng is effectively saying is that the emperor's decisions are not automatically GONG without the emperor making an effort to understand the perspective of the people.

¹Zeng Guofan speaks of the kedao 科道 here. According to Hucker (1985), pp. 133, 145–146, 280 and 536, kedao is a collective designation for the Offices of Scrutiny and Circuits, and their staff, the Supervising Secretaries (jishizhong 給事中), organized in the six Offices of Scrutiny (ke 六科, paralleling the Six Ministries), and Investigating Censors (jiancha yushi 監察御史), associated with regional Circuits (dao 道). Hucker (1985) also notes that Supervising Secretaries and Investigative Censors frequently collaborated on investigatory missions. In 1723, the Offices of Scrutiny were incorporated into the Censorate, which is why Hucker argues that the Supervising Secretaries should be called Supervising Censors for the time after 1723.

3.3 LI 利 and YI 義

Cheng (1991) suggests to understand YI as the fundamental principle of morality that helps to relate the universal to the particular and thereby confer qualities of right and wrong to human actions. In other words, YI assesses the “fitness” or “appropriateness” of an action.¹ YI is the criterion that decides whether a certain action connected to the pursuit of gains is acceptable or unacceptable, whether a virtue is acceptable as virtue or not, and whether a certain norm can be used to justify actions. Functioning kind of like a meta-virtue, YI engenders the decision-making ability that lets one apply a virtue properly to a particular situation. Assuming with Confucius that “every virtue considered by itself could lead to an excess which violates other virtues”², YI represents the ideal of the “total good” that has to inform the decision. A moral agent capable of YI is able to assess the “fitness of a virtue for a particular situation” and to “adjudicate among other established virtues” so as to make a right decision that preserves the unity and harmony of all virtues.

The meaning of LI oscillates between neutral or even positive “benefit”, and a negative “benefit” that can sometimes be rendered as “profit”. LI can appear with a neutral or even positive connotation in the context of describing “pros and cons”, where LI refers to aspects that are beneficial as opposed to harmful (hai 害 or bi 弊). The nature of the relationship of LI and righteousness (YI), and thus the value connotation of LI in the context of the polarity, is not obvious and consequently subject to debate (see, for example, the debates preceding Wang Anshi’s reforms). LI may refer to benefits that are in accordance with righteousness because they do not harm anyone’s legitimate interests. But it may also refer to profits that are obtained at the expense of others and by harming their legitimate interests.

3.3.1 PRE-QING POLITICAL CAREER

One of the foundational passages in the classics which the authors of the writings in the statecraft compendia refer to in their discussion of policies is a passage in the Analects that records Confucius saying “that which superior men understand is righteousness (YI); that which petty men understand is (only) profit (LI)” 君子喻於義；小人喻於利。³ Levine (2008) reconstructs how the critics of the Northern Song reformer Wang Anshi “recycled” the language of the Analects, in particular this very passage, in

¹This conforms with the later definition of YI in the Doctrine of the Mean: “Benevolence is the accordance of things with what is right” 義者宜也. Legge (1876), p. 383, italics in the original.

²Cheng (1991), p. 235. The relevant passage from the Analects is: “There is love of being benevolent without the love of learning. The beclouding here leads to foolish simplicity. There is the love of knowing without the love of learning. The beclouding here leads to an injurious disregard of consequences. There is the love of straightforwardness without the love of learning. The beclouding here leads to rudeness. There is the love of boldness without the love of learning. The beclouding here leads to insubordination. There is the love of firmness without the love of learning. The beclouding here leads to extravagant conduct.” 好仁不好學，其蔽也愚；好知不好學，其蔽也蕩；好信不好學，其蔽也賊；好直不好學，其蔽也絞；好勇不好學，其蔽也亂；好剛不好學，其蔽也狂. Legge (1861), p. 260.

³Legge (1861), p. 44. Translation adapted from Levine (2008), p. 87. Note however that both Legge and Levine render li as gain, which I changed into profit in order not to further increase the number of translations used in parallel in this dissertation.

their attacks on his reform plans. Both Sima Guang, one of the chief leaders of the anti-reformist coalition, and the two censors Yang Hui (1027–1088) and Liu Zhi (1030–1097) stressed the binary distinction between the superior man's pursuit of righteousness (YI) and the petty man pursuit of profit (LI), and made it clear that Wang's personnel were petty men and that Wang's plans were enabling these petty men to pursue profit at the expense of the people and the state. It is illustrative to observe how Wang Anshi responded to his critics' attacks: "Wang succeeded in persuading the emperor that the useful and the good were not mutually exclusive binaries, as antireformists like Sima Guang and Liu Zhi had repeatedly insisted: 'Gain is to be in harmony with righteousness; righteousness surely is to do what is advantageous.'" When responding to Sima Guang's critique, Wang simply denied that financial management, which Sima associated with profit-seeking, conflicted with the interests of the people and the state, emphasizing that "proper management of human and material capital would demonstrably enhance the overall prosperity of the empire, expanding effective governance and building a stronger military". Convinced, the emperor appointed Wang to the Council of State. In response to Yang Hui's and Liu Zhi's critique of his personnel, Wang insisted that the roles were distributed the other way round, with his own men representing superior men, and Yang and Liu being the petty men who should be barred from the civil service. Wang successfully managed to persuade the emperor to dismiss Yang and Liu and to turn the Censorate into "empty shell, staffed by a skeleton crew of loyal reformists".²

Another passage of decisive importance is a passage from the Great Learning that exhorts "not to regard profit (LI) as benefit (LI), but to regard righteousness (YI) as benefit (LI)" 不以利為利，以義為利.³ The passage exhorts the ruler and his ministers not to regard the net tax income as an indicator of the state's prosperity, but a fair distribution of tax liabilities that secures the people's subsistence. A reference often cited to evoke the positive connotations of LI is the Book of Changes. LI figures prominently in the hexagram texts (guaci 卦辭) of the Book of Changes, where it generally represents a positive term, the "advantageous" or "beneficial". The Book of Changes also contains a passage that treats LI and YI as compatible aspects. The Commentary on the Words of the Text (Wenyanzhuan 文言傳) of the first hexagram (qian 乾) in the Book of Changes explains LI as a descriptive term for actions that are fully compatible with righteousness (YI). The text of the first hexagram reads "qian represents what is great and originating, penetrating, beneficial (LI), correct and firm" 乾元亨利貞. The Commentary on the Words of the Text commentary comments on the term LI in the text: "what is called 'the beneficial' (LI) is the harmony of all that is right" 「利」者，義之和也 and "the superior man [...] benefiting all creatures, is fit to exhibit the harmony of all that is right" 君子 [...] 利物足以和義.⁴ This makes LI a condition of YI. Righteousness (YI) and harmony (that results from righteousness) are achieved through beneficial (LI) actions.

The locus classicus cited most frequently in connection with the LI-YI polarity in the compendia is a

¹Levine (2008), p. 89.

²Levine (2008), pp. 77-78; 87-88

³Legge (1861), pp. 344-345.

⁴Translations adapted from Legge (1899), pp. 57; 408.

passage from the Mencius. The Mencius juxtaposes benefit (LI) with humanity and righteousness (ren YI 仁義). In the passage, Mencius, when passing through the state of Liang, is invited to an audience with King Hui of Liang 梁惠王 (5th–4th century BC). The king greets him with the request to offer advice from which his state can benefit (LI). The advice Mencius offers in response is that the king needs to change his attitude. Instead of asking for advice on what could benefit his state, he should ask for advice on what could bring humaneness (ren 仁) and righteousness (YI) to his state. Mencius explains that an orientation towards benefit (LI) is an unstable foundation to build a state upon. A king who thinks only about the benefit of his state will induce an atmosphere in which their king's vassals will only think about they can benefit their own families and the lower nobles and commoners will only think about how they can benefit themselves. In short, bonds of mutual sympathy and trust based on the premise of reciprocal giving and taking will dissolve. Instead, a struggle for benefit will arise between the strata of the socio-political hierarchy, which ultimately endangers the stability of the state. Just like people who cease to cherish righteousness will stop to care for their parents, vassals who cease to cherish righteousness (YI) will enter into competition for power with their feudal lords.¹ Mencius criticizes that the king is putting the cart before the horse. Real, long-term benefit is only achievable if the ruler focuses on humaneness and righteousness.

In another episode, Mencius meets Song Ke, a fellow scholar and pacifist from the state of Song, who is on his way to the state of Chu. Chu is about to wage war with the state of Qin. Song Ke tells Mencius that he is on a peace mission and wants persuade the rulers not to enter into a war with each other. Mencius inquires how he plans to persuade the rulers.² Song Ke replies that he will tell the rulers that there is no benefit (LI) to be gained from a war. Mencius approves of Song Ke's plans to stop a war between the two states, but his advice for Song Ke follows a similar argument as the one for the king of Liang: better not bring up benefit. Renouncing to enter a war for reasons of profit will send the wrong message to the public, which will have serious consequences. Song Ke should instead persuade the rulers of Chu and Qin with arguments based on benevolence and righteousness.

“‘Master,’ said Mencius, ‘your aim is great, but your argument is not good. If you, starting from the point of profit (LI), offer your persuasive counsels to the kings of Qin and Chu, and if those kings are pleased with the consideration of profit (LI) so as to stop the movements of their armies, then all belonging to those armies will rejoice in the cessation of war, and find their pleasure in the pursuit of profit (LI). Ministers will serve their sovereign for the profit (LI) of which they cherish the thought; sons will serve their fathers, and younger brothers will serve their elder brothers, from the same consideration - and the issue will be, that, abandoning benevolence and righteousness (ren YI), sovereign and minister, father and son, younger brother and elder, will carry on all their intercourse with this thought of profit (LI) cherished in their hearts. But never has there been such a state of society, with-

¹Meng & Li (2000), pp. 2–4.

²Meng & Li (2000), pp. 382–384.

out ruin being the result of it. If you, starting from the ground of benevolence and righteousness (ren YI), offer your counsels to the kings of Qin and Chu, and if those kings are pleased with the consideration of benevolence and righteousness (ren YI) so as to stop the operations of their armies, then all belonging to those armies will rejoice in the stopping from war, and find their pleasure in benevolence and righteousness (ren YI). Ministers will serve their sovereign, cherishing the principles of benevolence and righteousness (ren YI); sons will serve their fathers, and younger brothers will serve their elder brothers, in the same way - and so, sovereign and minister, father and son, elder brother and younger, abandoning the thought of profit, will cherish the principles of benevolence and righteousness (ren YI), and carry on all their intercourse upon them. But never has there been such a state of society, without the State where it prevailed rising to the royal sway. Why must you use that word 'profit' (LI)."¹

先生之志則大矣，先生之號則不可。先生以利說秦楚之王，秦楚之王悅於利，以罷三軍之師，是三軍之士樂罷而悅於利也。為人臣者懷利以事其君，為人子者懷利以事其父，為人弟者懷利以事其兄，是君臣、父子、兄弟終去仁義，懷利以相接，然而不亡者，未之有也。先生以仁義說秦楚之王，秦楚之王悅於仁義，而罷三軍之師，是三軍之士樂罷而悅於仁義也。為人臣者懷仁義以事其君，為人子者懷仁義以事其父，為人弟者懷仁義以事其兄，是君臣、父子、兄弟去利，懷仁義以相接也，然而不王者，未之有也。何必曰利？

Again, Mencius's point is that if the ruler's plans are based on arguments of profit (LI), although effective in the short term, this will lead to a profit-consciousness that dissolves the socio-political fabric and drive state and society to the brink of ruin. The counter-program is again to argue from the standpoint of benevolence and righteousness (ren YI).

The two passages leave room for interpretation as to how Mencius would have characterized the relationship of LI and YI. Mencius does not so much associate LI and YI with different courses of action, but with different ways of motivating these actions towards the public and the moral climate thus induced. What the passages clearly brings across is that motivating actions with arguments that emphasize benefit or utility (LI) on the actions will have non-beneficial outcomes, while motivating actions with arguments that emphasize the righteousness and benevolence (ren YI) of the actions will have beneficial outcomes. But it is not clear whether Mencius regards LI and YI as a fundamental dichotomy. Dong Zhongshu later summarized Mencius by coining the motto "follow righteousness (YI) without pursuing utility (LI); illuminate the Way without calculating success" 正其誼不謀其利，明其道不計其功.² That Dong's exegesis was not accepted as the only possible interpretation can be seen from Yan Yuan's correcting Dong's statement into "follow righteousness in order to pursue utility; illuminate the Way in

¹Translation in Legge (1876), pp. 429-430

²Ban & Yan (n.d.), p. 1555.

order to calculate success” 正其誼以謀其利.¹ The debate on how to interpret Mencius continues in the writings collected in the statecraft compendia.

3.3.2 FUNCTIONS IN QING STATECRAFT DISCOURSE

There are relatively few memorials in the statecraft compendia that employ the LI-YI polarity in the context of practical arguments for specific policies. Most texts expounding on the polarity in detail are theoretical essays that advocate the discussion and implementation of statecraft reforms on a more general level. Texts written in the context of a specific debate usually operate exclusively with LI, either to accuse political opponents of being motivated by vested interests (LI) or to point out the benefits (LI) of a policy. LI appears thus frequently both as pejorative and as positive term in the discussion of practical statecraft in the compendia, while LI-YI polarity rarely shows up in such specific practical contexts.

The considerable number of theoretical essays dedicated to the discussion of the relationship of LI and YI shows the important status of the polarity in late imperial economic thought, though. With few exceptions, the authors of these essays emphasize the compatibility and interdependence of LI and YI.² Authors do not conceptualize LI-YI polarity as a general and absolute dichotomy. What authors contrast with righteousness (YI) is not the concept of benefit (LI) in general, but unrighteous profit (LI). The writings conceptualize legitimate benefit (LI) as the goal of government and equate it with benefitting the people by securing their economic wellbeing. Its antonym is unrighteous or illegitimate profit (LI), which implies benefits on the cost of others by appropriating for oneself that which is other people's due. The most innocuous example of legitimate benefit is the economic subsistence of the farming population. An important reference in this context is a passage in the Mencius that speaks about teaching people how to properly utilize arable land with the right mix of crops and timely cultivation, how to engage in husbandry, and how to show reverence to parents, elder brothers and the elderly.³

Legitimate benefit conforms with or even defines righteousness (YI), while illegitimate profit forms a true dichotomy with righteousness. Righteousness (YI) is a state of balance or optimal distribution of benefits (LI) among the people. This state of balance where everyone gets his due usually is not imagined as a perfectly equal distribution of resources, but instead as a distribution deemed sufficient to secure social peace. Chen Shouqi's description of this state is “those who are poor do not riot, those who are rich do not live in excess” 然而窮不能濫，富不能淫.⁴ The idea is to prevent riots by securing popular

¹Yan (1987), p. 163; Cheng (1991), p. 429.

²One of the exceptions is Fang Junyi's (1815–1888) 方濬猷 Understanding obscuration 通蔽說, that expresses a binary view of LI and YI and among other polarities. HCJSWXJ/RAO, 3:34a. “If things in nature are obscured (e.g. a mountain by trees, grass by snow) it is not in all cases harmful. This is different when it comes to human personality. Desire obscures reason. Badness obscures goodness. Unjustness obscures justness. Partiality obscures impartiality. Benefit obscures righteousness. Falseness obscures honesty. [...] Therefore, one should follow reason, goodness, justness, impartiality, righteousness and honesty, and block out desire, badness, unjustness, partiality and falseness.” 凡物之蔽。不盡為害也。獨至人身則不然。欲者理之蔽。惡者善之蔽。邪者正之蔽。私者公之蔽。利者義之蔽。偽者誠之蔽。此無他。循理窒欲。充善? 惡。守正敵邪。秉公遏私。慕義忘利。立誠祛偽。

³Meng & Li (2000), p. 11.

⁴HCJSWXB/SHENG, 4:25a–31b. See also the discussion of Chen's essay below.

subsistence through adequate instruction in how to cultivate one's land and one's social relationships and low taxation. The opposite of legitimate or righteous benefit is overtaxation and exploitation of the people, which disturbs the state of balance.¹

Officials, more than any other professional group, have the duty to renounce from illegitimate self-benefiting. Yang Mingshi's 楊名時 (1661–1736) view argues that officials should not act selfish (SI) and pursue profit (LI) because they have been entrusted with considerable responsibilities. Even egoistic, profit-seeking officials are educated enough to know what reason and righteousness (YI) are. They just decide not to follow it, which is not acceptable, Yang says. "Suppose someone in whom the emperor places great trust and whom the emperor appoints to a position where he is above other officials and the people only pursues his own personal interests (SI) and his own profit (LI). This is not due to his being born with a character devoid of reason and righteousness (YI), but rather due to his not cultivating his (innate) sense of reason and righteousness." 夫受君父重寄。立官民之上。而唯自私自利之圖。豈性無理義哉。亦素不講於此故耳。² It is their duty to listen to their inner moral feeling and to "use other men as a mirror for oneself" 因人而鑒已 in order not to turn into men who "only see their own benefit (LI), and are not be aware of what righteousness (YI) is, so if they encounter an opportunity to act with righteousness, they will not chose it" 惟利是視則不知有義即見義亦不為矣。³

Some writings rank the policies of historical statesmen and political advisers according to their level of righteousness (YI), also referred to as the "foundation" (ben 本) of government.⁴ The highest category are Confucius and Mencius who "regarded righteousness (YI) as benefit (LI)". To the lowest category, government solely oriented towards considerations of profit (LI), in this case synonymous with state income, belong the chief representatives of the Legalist camp of the Debates on Salt and Iron (yantielun 鹽鐵論) in the Han Dynasty, as well as Legalist Warring States Reformers such as Shang Yang, famous historical statesmen from the Warring States to the Han and Tang such as Guan Zhong and Liu Yan. In the middle category reside reformers who associated with fiscal and economic policies as exploitative as Shang Yang or the hardliners of the Salt and Iron discussion. The discussion is altogether very superficial, however, and consists mainly of references to historical figures, seldom accompanied by details as

¹See for example a memorial in which Tang Xiu 湯修 (1811–1871) discusses general principles that military budget policy should follow in 1849 in the beginning of his career when serving as secretary (clerical worker) in the Grand Secretariat. The measures he prioritizes include to allow for collection of taxes and fees in kind instead of silver to avoid that tax payers have to bear conversion and melting fees and to fight corruption by better monitoring officials and functionaries. The surcharges represent a "taking profit (LI) without righteousness" 以非義取利, which will lead to the loss of popular trust (minxin 民信), one of the three pillars of government according to the sages. HCJSWXB/SHENG, 29:55a–57b

²HCJSWB, 16:31a–b.

³He Guizhen 何桂珍 (fl. 1817–1855) writes this about Mencius' statements that the "proper relationship between ruler and official is based on righteousness (YI)" 君臣有義 and that proper relationships (between ruler and official, father and son, or elder and younger brother) should not "be entertained on the basis of benefit (LI)" 以利相接 in a memorial on the need of appointing a few reliable men in key positions who are not motivated by profit (LI) alone written in 1852. HCJSWXB/SHENG, 16:18a–20b In a way, He Guizhen transforms the radical prohibition of pursuing LI (that one should not pursue profit at all) into a prohibition of radical pursuit of LI (that one should not only pursue profit) by interpreting Mencius' "basing a relationship upon mutual benefit (LI)" 以利相接 as "only seeing one's own benefit (LI)" 惟利是視. He Guizhen relativizes the statement by paraphrasing it in a way that removes the absoluteness of the statement.

⁴See, for example, HCJSWXB/SHENG, 29:15a–16a and HCJSWXB/SHENG, 5:21a–24b.

to which concrete policies of theirs are representative. If the economic subsistence fraction makes reference to economic policies conforming to “regarding righteousness (YI) as benefit (LI)” at all, it is the propagation of knowledge on agricultural cultivation methods as well as the instruction in Confucian virtues through Confucian ritual, and is generally linked to low taxation. Associated with the opposite, “regarding gain (LI) as benefit (LI)”, is a fiscal policy aimed at increasing the state’s extractive capacities, with high taxes and oppressive labor service demands. Because of they have a wrong conception of what true benefit is, this policy ends up harming both the state and the people. The statesmen of the middle category had a remote grasp of the foundations of true benefit, but still so incomplete that their fiscal policies were still harmful.

LI and YI are closely connected with LI and hai. Illegitimate profit (LI) is short-sighted or even self-destructive because short-term benefits (LI) lead to long-term harm (hai), and someone who harms others will in the end be harmed by others himself. In his essay discussed below, Wang Jin criticizes individuals ignoring future generation’s harm for a short-time benefit. Chen Shouqi states that righteous benefit is without harmful side-effects (hai), while unrighteous benefit harms oneself in the end. Dou Xu argues that because the statesmen criticized for “speaking of profit (LI)” did not speak of economic subsistence and social relationships, they actually spoke of harm (hai), not LI.

Wang Xun 吳詢 (fl. around 1808) highlights the similarity he sees in the nature of the polarities MING-SHI and LI-YI with a parallel construction. Wang argues that benefit (LI) and name (MING), here representing status or title, are among the most fundamental principles of the sages’ way of government. He identifies benefit (LI) with the institutions of the well-field system and the educational system.

“(The source of) benefit (LI) is the well-field system (agriculture). (The source of) name (MING, title and status) are schools (education). Of everything in the universe, only benefit LI and name (MING) are everlasting (as abstract principles or institutions). With them gone, the statecraft of the sages becomes impossible (they are the most fundamental principles of the sages’ way of government).”

利井田也。名學校也。宇宙惟名利不朽。名利毀。聖人之經綸息矣。

At the same time, however, benefit (LI) and name (MING) derive from something even more fundamental. A person’s “name” (MING), that is, his title, status or reputation, derive from something more fundamental, namely his performance (SHI). A name cannot be attained without the corresponding performance. Benefit (LI) is the result of righteousness (YI). Any benefit that does not result from righteousness is therefore no real benefit in the definition of the sages.

“Those who strive for a small name (MING, e.g. reputation or official title and status) but are ignorant of actual (SHI) efficacy (; those who ignore great harm (hai) when they spot a small benefit (LI): what they understand as name (MING) is not what the sages understood as name (MING); what they understand as benefit (LI) is not what the sages understood as

benefit (LI). A name (MING) must be the name of something actual (SHI). Without this actuality (SHI), there is no name (MING). Benefit (LI) must be benefit that arises from something righteous (YI). Without righteousness (YI), there is no benefit (LI).

求小名而昧實效。見小利而忘大害者。名其名非聖名。利其利非聖利。名實之名也。舍實無名。利義之利也。舍義無利。

An illustrative example of irresponsible policies that “ignore great harm (hai) for a small benefit (LI)” 見小利而忘大 is the conversion of marsh land necessary for natural flood prevention into arable land.¹

The quintessence of the large majority of writings in the compendia discussing LI and YI may be summarized by Huang Yan’s 黃炎 (fl. 1727) phrasing of the proper relationship of LI and YI.

“There are talented people who act right, and there are talented people who act wrong. (Or: Everyone has a talent to act right and everyone has a talent to act wrong.) Those who act right are informed by righteousness (YI). Those who act wrong are informed by benefit (LI). It is not that the gentleman does not know about benefit (LI), but for him, benefit (LI) is (a means to achieve) righteousness (YI). The petty man always fakes righteousness, to him, righteousness (YI) is (just a means to achieve) benefit (LI).”

有為善之才。有為惡之才。為善之才喻於義。為惡之才喻於利。君子非不知利。利亦義也。小人未嘗不假義。義亦利也。²

Huang Yan states the compatibility of LI and YI, albeit on a very abstract level. The question is how this translates on the level of the individual administrator and on the level of administrative policies. On the level of the individual administrator, the most radical stance represented in the statecraft compendia is that the ruler and his officials should never be motivated by benefit (LI), even if it does not encroach upon other people’s benefits, because this opens the door to profit orientation. Administrators will slowly lose their sight of the public good and turn into those officials who only act if there is some benefit involved for themselves. At the other end of the spectrum, Shao Yichen argues in an essay discussed below that it is alright to be motivated by personal advantage if the end result of their actions is good. Shao’s example is the preservation of the classical teachings and the widespread propagation of at least the most important points through the examination system. On the policy level, most of the pre-1897 writings discussing LI and YI do not leave the framework of economic subsistence established in the Mencius. This is true of the writings of Ren Qiyuan, Wang Jin and Chen Shouqi discussed below, but does not apply to the writings of Wang Liu and Wei Yuan that employ the LI-YI polarity to propagate the typical statecraft program: fiscal, monetary and economic policies focused on economic growth and increase of tax income.

¹HCJSWB, 106:4a–6b.

²HCJSWXJ/RAO, 3:1a–4b.

The following discussion of individual essays is divided in two subsections. The first subsection discusses essays by Ren Qiyuan, Wang Jin and Chen Shouqi DATING FROM WHEN. The second subsection discusses three essays by Wei Yuan, Wang Liu and Shao Yichen. Wang Liu's essay dates from the 1830s, while Shao Yichen's and Wei Yuan's essays were first printed in 1849 and 1851. While the writings of the first subsection represent the highly theoretical stance of the compatibility of LI and YI that is grounded firmly in a theory of economic subsistence. The writings by Wei, Wang and Shao, on the other hand, while similarly emphasizing the compatibility of LI and YI, depart from the subsistence stance. Especially Wei and Wang feel the need to defend their carefully drafted fiscal, economic and monetary policies against the charge of unrighteous benefit because they leave the classical range of measures for the promotion of agriculture and local mores. They provide the theoretical link between the statements involving LI and YI of the Book of Changes, the Great Learning and the Mencius, and the practical statecraft writing that employs LI as a standard of validity. Wei, Wang and Shao defend institutions and policies that do not fall under the orthodox definition of "righteous benefit". Their strategy is to emphasize that, all things considered, everybody benefits from these institutions or policies, which qualifies them as "righteous benefit". This section closes with a discussion of how Wei Yuan builds on the argument of the compatibility of LI and YI to confirm that the Mencius has been misread all the time. Further discussed is a passage in which Wei Yuan gives prominence to the Book of Changes and seems to underline that LI is the ultimate standard of validity and link between Heaven and man.

THEORETICAL PERSPECTIVES ON LI AND YI AND THE EXEGESIS OF THE Mencius AND Book of Changes

Ren Qiyuan 任啟運 (1670–1744) discusses the relationship of LI and YI in the Mencius and the Book of Changes. Ren explains that YI is inseparably related with humaneness (ren). Ren is the highest virtue in existence and YI is its application in government. Humane governance must be concerned with the people's daily activities, such as agriculture, sericulture and husbandry. His practical example of what it means to "benefit (LI) all creatures" so as to bring about the "harmony of all that is right (YI)", as stated in the Book of Changes, is a policy that encourages agriculture in the Northern provinces and a parsimonious lifestyle in the South.

Ren Qiyuan juxtaposes statements about LI and YI by Dong Zhongshu and Mencius with statements about LI and YI in the Book of Changes attributed to King Wen of Zhou and Confucius. According to Dong Zhongshu "a benevolent (ren) person strives to act in accordance with what is right (YI), not according to what is advantageous (LI)" 仁者正其誼不謀其利.¹ Mencius asks "why speak of advantage (LI)? Humaneness and righteousness (renYI) is all that counts" 何必曰利? 亦有仁義而已矣. These negative statements about LI stand in contrast with the hexagram statement of qian, the first hexagram in the Book of Changes, that mentions LI in the positive though ambiguous context of "originating and penetrating, advantageous (LI) and firm" 元亨利貞.² Equally positive is the Wenyan commentary at-

¹Dong Zhongshu uses the character 誼, which is largely equivalent with the character 義. Dou & Geng (1936), p. 372.

²Legge (1899), p. 57.

tributed to Confucius that remarks “beneficial (LI) is the harmony of all that is right (YI)” 利者義之和 and that “benefiting (LI) all creatures” is sufficient to “balance things into a state of collective righteousness” 利物足以和義. These statements, Ren points out, “do not just speak of benefit (LI), but go so far as to unite benefit (LI) and righteousness (YI) 非特言利，且合利與義. Heaven has produced all things on earth to nurture the people. But only someone with the quality of qian can make everyone profit (LI) from this great advantage (LI). The quintessence is that great advantage (LI) in the world brought about by persons with the virtue of qian leads to great righteousness (YI), which realizes benevolence (ren), the highest virtue of all. The reverse is also true: without a means to “benefit (LI) all creatures” 利物 there can be no “balancing things into a state of collective righteousness (YI)” 和義. The means to bring about the “great benefit”, and thereby balance righteousness and achieve humaneness is economic policy or “administration of resources” (licai 理財), says Ren.

The world of the present is still the same as the world of the past in so far that nature is still producing new things all the time. However, in the past there was affluence, while the present is often characterized by scarcity. This is a sign that bad administration of resources is causing scarcity. Bad resource management coincides with a failure to make people use correct language to keep them from doing the wrong things. A concrete application of “making language appropriate and keeping people from doing the wrong things” 正辭與禁民為非 is to turn the people in the North-West into industrious peasants and make the people in the South East thrifter. A strategy for achieving the latter is to establish specifications for wedding and funeral ceremonies, clothing, buildings etc. that demarcate social gradations. Ren’s strategy seems to be to indoctrinate people with a puritan ideal of industriousness and parsimony that makes them value the pursuit of agriculture and devalue luxury. That, Ren says, is the quintessence of “by benefiting (LI) all creatures, (the superior man) is fit to exhibit the harmony of all that is right (YI)” 利物之所以和義.

Wang Jin 汪縉 (1725–1792), too, emphasizes that righteousness (YI) entails benefit (LI). Wang’s essay on Mencius included in the HCJSBW is the first part of a series of essays assessing the teachings of Mencius, Xunzi, Shang Yang, Han Fei, Sunzi, and the Wuzi 吳子, a military strategist.¹ The part discussed in the following draws on the LI-YI polarity and forms the beginning of the essays on Mencius’ and the whole essay collection. Wang Jin writes that the main characteristic of governance in accordance with the Way (shundao 順道) is utmost impartiality or public-mindedness (zhigong 至公).² Wang Jin proposes that there are two competing approaches to government, one of them characterized by impartiality (GONG), the other one by partiality or bias (SI). The impartial approach builds upon humaneness and righteousness (renYI 仁義) as central values, while the partial approach builds upon or benefit (LI, here perhaps aptly rendered as utility) as central values.

While benefit (LI) is a necessary condition of good governance, it is not a sufficient condition, writes

¹Xie & Zheng (2012), p. 6. Apart from the essay on Mencius, only the essay on Xunzi is included in the HCJSBW in an abridged version.

²Xie & Zheng (2012), p. 7.

Wang. Humaneness and righteousness (renyi 仁義), on the other hand, are sufficient conditions of good governance on their own because they entails benefit (LI).

“It lies in people’s nature that they assemble where there is benefit (LI). I am just saying that benefit alone is not enough to assemble the people (LI). I am not saying that whether people assemble or scatter is independent of benefit (LI). But there is a crucial difference: While both the former sages and the later strategists¹ assembled people by means of benefit (LI), their attitudes differed, and their rule differed.”

民以利聚。民情乎。吾固謂利之不足以聚民也。吾尤不謂民之聚散之不以利也。雖然有辨焉。曰聖人之聚民也以利。術家之聚民也亦以利。烏乎辨。曰辨之于其心。辨之于其政而已。

In terms of attitude, the sages “loved the people and longed for their peace and safety” 愛民欲其安全也, while the strategists “longed for profit (LI)” 欲利. In terms of their rule, the sages ensured that the people had food and shelter and, to ensure the permanence of their having food and shelter, taught them rites and etiquette to establish a stable order of human relationships. They drew borders, stopped excess and lethargy, opened up new avenues of profit (LI) and prohibited corruption. The state took no profit (LI) from the people except a fixed ten-percent tax. The sages ensured that the people could make a living and did not have to emigrate even in times of scarcity and war. The strategist rulers, lacking this kind of love for the people, tried to reap maximum profit from the people. This attitude carried over to the people, who would similarly only care for their own benefit. Because they could not count on the loyalty of the people through their exploitative style of rule, they had to resort to force to ensure that people did not scatter. This lack of genuine loyalty meant that people would plant their fields and fight for the state as long as the state could hold up its authority or as long as they deemed it profitable, but would emigrate as soon as these conditions ceased to hold.

The partial approach of the strategists illuminates benefits (LI) and disadvantages (hai 害), explains Wang. But because the approach is agnostic about humaneness and righteousness, it fails to illuminate them fully. In an essay on Xunzi’s thought, Wang states that one of the eternal characteristics of bad governance was that it neglects the “harm (hai) for future generations” 後世之害 to “attain a one-time benefit (LI)” 苟一時之利. Good rulers on the other hand will forego one-time benefits to prevent future harm.² It plans for the short-term (“plan for profit in the evening in the morning” 朝為夕利) and therefore operates with an incomplete picture of benefits and disadvantages.

The impartial approach of the sages, on the other hand, illuminates humaneness and righteousness, and has little to say about benefits and disadvantages. It therefore accounts fully for benefits and disadvantages in the long-term. This was actually Mencius’ point for King Hui of Liang: if one’s point of departure is not LI but renyi, LI will automatically be achieved and hai prevented. It also implies that ends

¹“Strategists” 術家 is most likely not referring to some particular school of the Warring States, but has a more general meaning. Wang Jin uses the term to refer to the mainstream style of rule after the Three Ages.

²HCJSWB, 1:28a–30b.

do not justify the means, expressed in the Mencius as the admonition “not to commit a single unrighteous deed and not so kill a single innocent person for the sake of obtaining power” 行一不義殺一不辜而得天下不為也.¹ LI has to be like the water in which and through which a fish lives without ever thinking of it or even being aware of it, says Wang. One must not actively strive to obtain it because “if one is only humane when there is some immediate benefit (LI) involved, then that is fake humaneness (ren), if one is only righteous when there is some immediate benefit involved, then that is the perversion of righteousness (YI)” 苟利而仁焉，是假仁也，苟利而義焉，是襲義也 which will in the end lead to one’s downfall.

Chen Shouqi 陳壽祺 (1771–1834) explains his ideas on how to restore the unity that LI and YI formed in remote antiquity in an essay addressed at the students of the Aofeng academy in Fujian.² According to Chen, the different contradictory statements found in the classics and the books of the Confucian canon about the relationship of LI and YI can be synthesized into a coherent theory, if they are regarded as historically contingent responses to different intellectual-moral climates. That LI and YI were not apart from each other in antiquity is evident from numerous positive quotes about LI in the Book of Changes, as well as the Shangshu, Zhouli and Chunqiu.

“Not one of the six classics speaks unfavorably of LI. LI and YI formed a unity in antiquity. This is why the Book of Changes says ‘beneficial (LI) is the harmony of all that is right (YI)’ and ‘by benefiting all creatures, (the superior man) is fit to exhibit the harmony of all that is right (YI)’. We can conclude that only ‘benefiting (LI) other creatures’ is truly beneficial (LI), and that without benefit (LI) there can be no righteousness (YI).”

六經莫不善言利。蓋古者利與義合。故易文言曰利者義之和也。利物足以和義。惟以利物為 @ 利。無利非義矣。

The first indications that this changed during the Eastern Han can be found in the Analects which state that “the gentleman understands righteousness (YI), the mean man (only) understands benefit (LI)” 君子喻於義小人喻於利 and can be deduced from the fact that Confucius rarely made any statements about benefit (LI). The situation exacerbated during the Warring States, when people lost all awareness of righteousness and only cared about benefit. This is reflected in Mencius admonishing King Hui of Liang not to speak of benefit, but only of humaneness and righteousness. Mencius’ argument was that the ruler’s value orientations influence the people’s value orientations. People without no sense of humaneness will neglect their duties towards their parents, and people without a sense of righteousness will neglect their duties towards their ruler.

From the episode with King Hui of Liang one can learn, Chen Shouqi emphasizes, that ren and YI is always beneficial (LI). But this was not how most people pursued benefit then and later. People lost

¹Meng & Li (2000), p. 95.

²HCJSWXB/SHENG, 4:25a–31b. For an assessment of the significance of the Aofeng academy (Aofeng shuyuan 鰲峯書院) for the revival of Cheng-Zhu Neo-Confucianism and statecraft thought, see Li (2015) and Xiao & Lu (2012).

their intuition about the harm (hai) that can accompany benefit (LI). They pursued benefit (LI) in a way that harmed (hai) other people and in the end harmed themselves. This danger is reflected in the warnings by Confucius and Cheng Yi. Confucius warned that “unrestrained pursuit of LI leads to much resentment” 放於利而行多怨. Cheng Yi said that “LI is what everyone equally strives for, if one solely benefits oneself, this will be very harmful, if one is very greedy, one will become beclouded and irrational, and if one drives it to the extreme, there will be much struggle and resentment” 利者眾之所同欲也。專欲益己其害大矣。貪之甚則昏蔽而忘理義。求之極則爭奪而致怨仇. What Confucius and Cheng Yi called LI was the complete opposite of what the classics called LI.

Chen Shouqi uses evidence from the classics to elucidate how true benefit (LI) comes from being righteous (YI). People who strive for benefit (LI) for the sake of benefit make themselves completely dependent on luck. There is no guarantee that they will benefit a lot and fast, and they may just as well lose everything. Telling people that they will likely not get the benefit they hope for will not keep them from trying. It is more effective to tell them that their pursuits will bring disaster upon themselves. This way, they can be made to “give up the pursuit of benefit (LI) and pursue righteousness (YI) instead” 去利而返之義.

Pursuit of righteousness (YI) is always rewarded in the end.

“When YI struggles against LI in the dark, it will become clear in the morning who is Shun (the good guy) and who is Dao Tuo (the bad guy). When YI is hold up with courage, a weak person can become a Bo Yi or Shu Qi (paragon of virtue).”¹

夫義之與利。爭之也微。則平旦分舜蹠。執之也勇。則懦夫為夷齊。

Those who engage in learning should therefore learn to distinguish LI and YI as early as possible. The aim should be the discovery of true benefit (LI) through full understanding of righteousness (YI), to learn to enjoy righteousness and grow to fear the risks involved in illegitimate benefit. The first to provide guidance as to how this can be achieved is Confucius, who said that “in antiquity, people engaged in learning for themselves: nowadays, they engage in learning for others” 古之學者為己今之學者為人.² People who do everything “for themselves” do nothing that is not righteous, while people who do everything “for others” (to see) do nothing that is not beneficial (in the negative sense, that is, beneficial solely for themselves), explains Chen.

If one observes closely what separates YI from illegitimate LI, it comes down to Mencius’ command “not to do what should not be done, not to desire what should not be desired” 無為其所不為，無欲其所不欲.³ If one follows a sort of categorical imperative in every situation to “only say for which

¹Dao Zhi or “bandit Zhi” 盜跖 is a personage of the Spring and Autumn period that appears in the Mencius, Xunzi and Zhuangzi. Sun (2005), p. 475. Bo Yi 伯夷 and Shu Qi 叔齊 were antique paragons of virtue, who kept ceding the throne of the state of Guzhu to each other after their father’s death caught in a dilemma of whether to follow their father’s wish or custom law. Luo (1990), vol. 1, p. 1261.

²See Legge (1861), p. 207.

³See Meng & Li (2000), p. 423.

it would be alright if the whole world regarded them as the Way, only act in a way for which it would be alright if the whole world regarded it as norm of behavior”, then “everything righteous (YI) will at the same time be beneficial (LI)” 言而為天下道。動而為天下則。則無義而不利焉。 This includes to meet one’s fellow villagers with piety and reverence, and to display respect and trustworthiness towards the people at the fringes of the empire. The people can be transformed to emulate such model-like behavior and social peace will follow. One’s actions will have truly “benefited all creatures” if “those who are poor do not riot, those who are rich do not live in excess, those with power do not use it to oppress and nobody brings misfortune about others, there can be benefit (LI) without disadvantage (hai)” 然而窮不能濫，富不能淫，威不能屈，禍不能加，則有利而無害焉。 Straight pursuit of benefit, on the other hand, will almost certainly not only fail to make the world a better (more righteous) place, but also harm (hai) oneself in the end.

LI AS STANDARD OF VALIDITY?

Ren Qiyan, Wang Jin and Shao Yichen’s writings discussed above approach the LI-YI polarity from a theoretical angle and only touch economic policy on a very general level. On this general level, they evoke the principle of securing the people’s livelihood and moral wellbeing through proper instruction in methods of agrarian cultivation and norms of social interaction. The writings by Wang Liu, Wei Yuan and Shao Yichen use the LI-YI polarity to defend the legitimacy of policies that are not conventionally counted among this repertoire of “righteous” interventions into the economic life of the people. Wang Liu’s monetary policies and several of the reform projects Wei Yuan was involved in, such as the reform of the tribute grain transport or the reform of the salt monopoly, represented substantial interventions into the financial and fiscal system of the Qing state. Wang and Wei therefore felt the need to defend themselves against the objection of engaging in short-sighted “talking of benefit (LI)” focused on increasing the extractive capacity of the state but neglecting the consequences of policies for the livelihood of the people. Shao Yichen’s essay argues that the pursuit of achievement and benefit (gongli) such as the privileges obtained through success in the civil service examinations should be recognized as legitimate if it promotes a righteous (YI) cause in the end result. Wei Yuan’s arguments, especially his presentation of LI as a standard of validity in his “Eighth essay on Scholarship” provide a link between conventional interpretations of the LI-YI polarity, and the practice of employing LI as a standard of validity in late imperial statecraft writing.

Wang Liu employs the LI-YI polarity to legitimize his proposal of introducing paper money as legitimate benefit by arguing that it benefits everyone and is therefore “right” (YI).¹ Wang Liu authored a book in 1831 that proposed the introduction of paper money to combat deflation of copper money.² Both the book and a number of accompanying essays are included in the HCJSWXB/SHENG. Wang

¹HCJSWXB/SHENG, 60:19a–20b.

²For an outline of Wang’s proposal and an assessment of the arguments voiced in the debate it sparked after Wang Liu had several hundred copies of his treatise printed and distributed to scholar-officials over the country, see also Lin (1991). Wei Yuan and Bao Shichen participated in the debate. Lin (1991), p. 4.

Liu echoes the rhetoric of Wang Anshi, who insisted in a reconsideration of the nature of the LI-YI polarity “that the useful and the good were not mutually exclusive binaries” and that the ethical aims and institutional goals of his reform policies were inseparable.¹ Wang Liu’s justification of his reform proposals bears a similarity with Wang Anshi’s claims that “gain (LI) is to be in harmony with righteousness (YI); righteousness (YI) surely is to do what is advantageous (LI)” 利者義之和義固所為利也.² and that his own policies were therefore righteous because they enhanced the overall prosperity of the empire.

From Wang Liu’s arguments we see that he still felt the necessity to ward off arguments similar to those that had confronted Wang Anshi. To legitimize his concern for a topic associated with benefit (LI), Wang Liu clarifies how Mencius’ statements about “speaking of profit (LI)” and the statement from the Great Learning that “regarding righteousness as benefit (LI)”³ should be read.

Speaking of profit (LI) is despicable if it involves exploiting the people in order to enrich the government. If one speaks about profit (LI) without harming the people, but rather by greatly benefiting the people, this is what is meant by ‘regarding righteousness (YI) as benefit (LI)’.”

所惡於言利者。為其剝民以益上也。苟言利而無害於民。且大益於民。此即所謂以義為利。

The invocation of the Great Learning makes sense insofar as monetary policies are closely connected with fiscal policies. In the Great Learning, ‘regarding righteousness (YI) as benefit (LI)’ is contrasted with ‘regarding gain (LI) as benefit (LI)’. According to the Great Learning, the regarding of gain (LI, for the state and/or oneself) as benefit (LI) is associated with disproportionate and oppressive taxation and exaction of labor service from the people. Regarding righteousness (YI) as benefit (LI), on the other hand is associated with light taxation. Wang Liu plans to decrease the tax burden placed upon the people with the introduction of paper bills. Requiring taxpayers to pay their taxes in silver means to exploit the people, who have to bear constantly rising conversion fees, Wang says. With the introduction of paper money, there is “no excuse” 無所藉口 for raising exorbitant conversion fees, which benefits the people.

Wei Yuan’s most important statements in connection with LI and YI appear in the “First Essay on Governance” and the “Eighth Essay on Scholarship” in the *Essays on Scholarship and Governance*⁴ contains a short paragraph in which Wei Yuan justifies wealth and power as a legitimate goal of government. Not all rulers who manage to achieve wealth and power are adherents of the Kingly Way

¹Levine (2008), p. 89.

²Li (2011), 219:2b.

³Legge (1861), pp. 344–345.

⁴WYQJ, vol. XII, pp. 35–38; 20–21. The “First Essay on Governance” is included in full length in HCJSWXB/SHENG, 8:1a–3b.

(wangdao 王道), Wei Yuan concedes. This does not imply, however, that adherents of the Kingly Way cannot achieve wealth and power. True adherence to the Kingly Way always leads to wealth and power. As wealth and power do not occur over night, pursuing the Kingly Way means to enact policies that promote the economy and strengthen the fiscal system and the military. This is the context in which Wei Yuan presents his own exegesis of the Mencius passage. While numerous passages from the Book of Changes and the Book of Documents show the sage rulers of antiquity engaging in economic, fiscal and military policies, Mencius' admonition of King Liang overshadows them all. Misreading the actual meaning of the passage, the false conclusion conventionally drawn from the episode is that a good ruler and a good official should not concern himself with the details of economic, fiscal and military policy and actually shun questions of practical administration altogether.

“Only because Mencius distinguished between righteousness (YI) and benefit (LI), and between the king and the hegemon, later scholars associated questions of military and provisions (economy and finance) with the Five Hegemons and regarded it as taboo to even speak of these topics.”

後儒特因孟子義利王伯之辨。遂以兵食歸之五伯。諱而不言。

They squarely missed out on the fact that these matters had been the basis of good government since antiquity and that the Kingly Way was realized through them, not apart from them, Wei Yuan points out. Mencius did not distinguish kings from hegemonies by way of their policies (ji 跡, in the sense of shiji 事跡 or 事蹟, deeds or achievements), but by way of judging whether their attitude (xin 心) in enacting these policies was impartial (GONG) or partial (SI).

“King and hegemon differ in their attitude, not in their achievements. While their attitude is impartial (king) or partial (hegemon), their achievements are fairly similar.”

王伯之分。在其心不在其跡也。心有公私。跡無胡越。

This assertion bears resemblance with the views of Wang Anshi, Cheng Hao 程顥 (1032–1085) and Zhu Xi, who saw “moral intention rather than the objective content of policies” as the basis of the distinction between king and hegemon.¹

Wei Yuan leaves no doubt that benefit (li) and righteousness (yi), just as the way of the king (wangdao 王道) and the way of the hegemon (badao 霸道) are false dichotomies. In fact, the way of the king can only find expression through the vehicle of policies that regulate central government business, that is, agricultural, military and tax matters. Men are not assessed by their words but by their deeds. Respecting the rules of propriety and talking about one's empathy for fellow human beings everyday is completely useless if it never translates into action that actually benefits other people, which it cannot if scholars do not engage in the study of practical affairs.

¹HCJSWB, 1:13a–15b; Metzger (1973), p. 67

“The Kingly Way is very subtle. Its spirit permeates the management of agriculture and husbandry, labor service, military and taxes. The moment in which those get to rule the country who make their words agree to the standards of proper character, make their movements conform to the rules of proper conduct, deliver fine speeches on ‘all things in the universe being one’, but do not inquire about the difficulties of the people, the morale of civil servants, the management of state finance and border defense, they are going to run the state into debt, and will prove unable to pacify the border regions and protect the people from misery. If it was all about spending a great deal of time talking about one’s ‘love for all living things in the world’, but not lifting a finger to undertake one thing that has a positive effect on any of those living things, then why should the realm need this useless kind of ‘Kingly Way’.”

王道至纖至悉。井牧徭役兵賦。皆性命之精微流行其間。使其口心性躬禮義。動言萬物一體。而民瘼之不求。吏治之不習。國計邊防之不問。一旦與人家國。上不足制國用。外不足靖疆圉。下不足蘇民困。舉平日胞與民物之空談。至此無一事可效諸民物。天下亦安用此無用之王道哉。¹

Wei Yuan’s rehabilitation of governmental pursuits associated with LI does not prevent him from using the term to accuse others of corruption. Wei Yuan distinguishes between legitimate and illegitimate interests (LI), an idea most clearly stated in an essay of his about army provisions, in which he explains how to understand the demand that administrators should “initiate beneficial things (LI) while preventing abuse” (xing LI chu bi 興利除弊). To make it unambiguously clear what is meant by LI, Wei Yuan states that the guiding principle of “great imperial policies is that they benefit (LI) the state and the people, but do not benefit men in between (the state and the people) who make illegal profits” 天下大政。利於國利於民者。必不利於中飽之人。² Wei Yuan questions the soundness of his opponents’ arguments by suggesting that they are motivated by vested interests (LI). In the preface of a collection of essays advocating the sea transport of tribute grain Wei Yuan claims that the root of the controversy about the mode of transportation are not real disadvantages of sea transport, but the “collective vested interests (LI)” 積利 of the groups who profit from transport via inland waterways. What requires real energy and commitment is not the removal of technical barriers, says Wei, but the overcoming of the combined resistance of all those with personal stakes in the old transport system.³

“It is not the sea which gives men a hard time, but men who make the sea seem difficult. It is not the transport of tribute grain which gives men a hard time, but men who make the transport of tribute grain seem difficult. If we look at things from this angle, everything

¹HCJSWXB/SHENG, 8:1a–3b.

²HCJSWXB/SHENG, 29:32a–36b.

³He & Wei (1827), 48:60a–62b. More than thirty years later, Hu Linyi 胡林翼 (1812–1861) makes a similar point about the cognitive dissonance of those with personal stakes in the old transport system. The urge to protect their vested interests has become so ingrained, Hu Linyi argues, that people will oppose any efforts to reform. HCJSWXB/GE, 30:4a–b.

becomes clear. The difficulty is not to overcome of the multifarious perils (related to the sea, like storms and pirates, which Wei Yuan argues are not as dramatic as they are made to seem by the opponents of sea transport), but to overcome people's vested interests. If we take action against these vested interests (LI), this will put an end to a hundred defects at once."

非海難人而難海。非漕難人而人難漕。本是推之。萬事可知也。不難于祛百載之積患。而難于祛人心之積利。反是正之。百廢可舉也。

Mitchell (1970) underlines Wei Yuan's "insistence on a practical utilitarian standard for knowledge with the criterion its effect in the socio-political world" in the context of the king-and-hegemon passage.¹ This practical standard was LI, which Mitchell renders as "utility" or "profitability". Wei Yuan was convinced that LI "could determine right and wrong", an idea that he marketed to other scholars by presenting it as "the link between Heaven and Man, the unity of which all Confucianists sought".² Wei Yuan expresses this view most clearly in his "Eighth Essay on Governance".

In the "Eighth Essay on Governance", Wei Yuan discusses the special status of the Book of Changes among the Confucian classics.³ According to Wei, the Book of Changes is the classic that goes into much detail about a topic that receives only sparse treatment in the Shijing, Shujing and the Liji: human character (xing 性), Heavenly mandate (ming 命) and that which joins (can 參) Heaven and man, benefit (LI). The numerous references to LI in the Book of Changes were all instructions about "what do to and what not to do" 當行不當行 which is clearly equivalent with what is beneficial (LI) and what is not beneficial (LI) 利不利.

"A common concern of our age is that Heaven and man have been out of touch for a long time. If we would just use benefit (LI, or: utility) as criterion for right and wrong, praise and blame, pro and con, then Heaven and man would be reconnected."

世疑天人之不合久矣，惟舉天下是非、臧否、得失一決之於利不利，而後天與人合。

Wei Yuan employs gongLI 功利 (utility) as a pejorative term in most of his Essays on Scholarship and Government. It represents the self-interested pursuit of short-term profit of the post-classical age that is characterized by the loss of the classical unity of government (zheng 政) and Confucian learning (jiao 教), or status (wei 位) and virtue (de 德). Wei Yuan emphasizes that true utility is compatible with YI, though: "there is no utility (gongLI) without benevolence and righteousness (renYI)" 功利不外仁義.

Is this enough to call Wei Yuan's thought utilitarian? The term utilitarianism commonly refers to an ethic of end results. But rather than just being practical or concerned about end results, utilitarianism

¹Mitchell (1970), p. 42

²Y. C. Wang (unpublished): "Wei Yuan and the Illustrated Gazetteer of the Maritime Countries" referenced in Mitchell (1970), p. 42.

³WYQJ, vol. XII, pp. 20-21.

is “that the rightness or wrongness of actions is determined by the goodness or badness of their consequences”. While different strains of utilitarianism differ in their concepts of goodness and badness, “all utilitarians view effects as the basis for evaluating goodness or appropriateness”. Tillman (1982) relates “utilitarian” with the Chinese term gongli 功利, which “means primary emphasis upon two related goals: attaining concrete results or consequences” (gong 功) and “maximizing the benefits or advantages [...] that government provides society” (li).¹ This description fits Wei Yuan’s statecraft thought.

Wei Yuan is not the first to be explicit in granting LI a prominent place as guiding principle of government. The HCJSWB features an essay by Lu Shiyi who similarly declares LI a prominent principle in government.² Lu Shiyi speaks about LI as central principle in the socio-political sphere.

“Everything in All under Heaven comes down to benefit (LI). Those who understand benefit (LI) well can achieve that everyone in All under Heaven is able to get their due benefit (LI). Thereby, they are also able to get their due benefit (LI) themselves. All that those who do not understand benefit (LI) well want is to make sure that they themselves benefit (LI). Therefore, everyone else in All under Heaven will also just strive for their own benefit (LI).”

天下利而已矣。善言利者。使天下皆利其利。故己亦得利其利。不善言利者。欲一己獨利其利。故天下亦各利其利。

One example where a proper grasp of the principle of LI is particularly important are the quality of civil bureaucracy and the military, says Lu: “if we want excellent soldiers, we have to shrink the size of the troops and increase their pay; and if we want superior officials, we have to shrink the size of the bureaucracy and increase their pay” 欲兵之精不如省兵而增糧，欲官之兼不如省官而增俸. Proper remuneration and making sure that everyone is able to get their due benefit (LI) ensures that the members bureaucracy and commit their energies to their jobs and not to striving for their own benefit (LI).

The above considerations also allow Lu Shiyi to use LI as a standard of validity in his writings on practical administration. An example is an essay in which Lu Shiyi lists the six “conveniences” (bian 便) of fish scale registers (yulin tuce 魚鱗圖冊) for landed property.³ Lu concludes at the end of the essay that “a man in charge (REN) who does not carry out this policy with its six conveniences has not recognized its benefit (LI)” 有此六便而人不之行，未知其利故也。

Shao Yichen 邵懿辰 (1810–1861), finally, comes closest to an “ethic of end results” in a postface to the essay collection Yi Song tang 儀宋堂 by Su Duyuan 蘇惇元 (1801–1857) printed in 1849.⁴ Shao Yichen

¹Tillman (1982), pp. 6–7

²HCJSWB, II:33a–b

³HCJSWB, 29:28a–29b.

⁴Yang (1987), p. 223; HCJSWXJ/RAO, 1:21a–22a, HCJSWXB/GE, 4:2a–b. Shao Yichen is associated with the Changzhou New Text School. He claimed that Liu Xin’s Old Text version of the Book of Rites was a forgery, which proved influential on Liao Ping’s 廖平 (1852–1932) and Kang Youwei’s doubts about the authority of the classics. Wang (1995)

argues that motivation through personal advantage (LI) is alright if it leads to good results. In the first and longer argument of the postface, Shao rehabilitates state Confucianism and the fact that the teachings of Confucius are studied in standardized versions for standardized examinations, by people motivated by the prospect of gaining the status and material benefits of a state official.¹ Shao Yichen states that knowledge about the Three Dynasties and the teachings of the sages would not be as widespread and internalized among the people if it had not been for Han Wudi to make the Confucian classics the center of state orthodoxy and for Ming Taizu to make written essays about the four books the center of standardized recruitment procedures. Shao evokes the classical unity of LI and YI.

“After the three dynasties, the way and righteousness (daoYI) and achievement and benefit (gongLI) became separated. But luckily, righteousness (daoYI) was preserved by becoming attached to utility (gongLI). Only because this was determined in commands, and because of the appeal of title, rank and salary, every woman and child even in the far-flung corners of the empire knows that Confucius was a sage and Cheng Yi and Zhu Xi were worthies, can recite their words and feel their meaning.”

三代之下。道義功利離而為二。而猶幸道義得附功利而存。徒以功令之所在。爵賞之所趨。故雖遐陬僻壤。婦人小子皆能知孔子之為聖。程朱子之為賢。言於其口而出於其心。

The commands Shao Yichen refers to are Han Wudi's decision to declare the Confucian five classics and four books required reading for future administrators and Ming Taizu's decision to require examination candidates to compose eight-legged essays. The eight-legged essay prescribed candidates to a rigid formal structure and required them to use quotations from the five classics and four books and Zhu Xi's commentary to express their answer.²

“The two gentlemen motivated the world with the prospect of achievement (gong), and the way (dao) was transmitted with its help. They lured the world with the prospect of benefit (LI), and righteousness (YI) was conveyed with its help and without much loss.”

二君者。以功倡天下而道賴以尊。以利誘天下。而義賴以着。蓋於此非甚失者。

Especially Shao Yichen's praise for the much criticized eight-legged essay format surprises. Shao seems intent on driving home his point that sometimes ends, here the popularization of the Confucian teaching, justify means, here motivation by personal advantage and reduction of intellectual pursuits to a handful of books and an orthodox interpretation.

¹In the second and shorter argument, Shao Yichen appeals for more moderation in the controversy between advocates of Song and Han learning and the recognition of the fact that both strands of learning have their respective strengths.

²Luo (1990), vol. 2, p. 661.

Conclusion

Authors employ the the MING-SHI polarity to speak about the fulfillment (SHI) of official duties (MING), compliance (SHI) to regulations (MING), about commands (MING) and their execution (SHI), about intended (MING) and actual outcomes (SHI) of a policy, and about political claims (MING) and their reality (SHI). The MING-SHI polarity imputes an ought-is relationship between nominal responsibilities and actual performance. The responsibilities (MING) can arise from a title, status, reputation, claim, command or regulation. Performance (SHI) refers to whether responsibilities, duties or expectations are fulfilled, whether claims, commands or regulations are complied with. Because the MING-SHI polarity assigns responsibilities, it implies a moral charge if MING and SHI do not correspond to each other, that is, if obligations are not fulfilled. Authors frame problems related to implementation deficits, intransparency and irresponsibility as discrepancy between MING and SHI. Solutions, in turn, are formulated as reestablishing the correspondence of MING and SHI.

Authors employ MING and SHI to propose two kinds of solutions. The first kind is an adaption of actuality (SHI), to responsibilities (MING) by enforcing commands or regulations by means of monitoring and sanctioning. The second kind of solution is the adaption of responsibilities (MING) to reality (SHI). It means to adapt regulations to reality, that is, men's capabilities, by modifying commands or regulations so as to render the average official capable of complying to them. Illustrative examples of writings presenting solutions in terms of both mechanisms are the essays by Huang Juezi (adaption of SHI to MING) and Wang Boxin (adaption of MING to SHI), respectively, and the writings on taxation by Feng Guifen (adaption of MING to SHI) and Huang Tifang (adaption of SHI to MING).

The GONG-SI polarity is employed to discuss the optimal balance of an official's orientation towards the "public good" and private interests. It is important to keep in mind that GONG and SI never function as a dichotomy in their function as value-free designations of social spheres. As for their function as designations of interest, that is, public interest or public good and private interest, the tendency to relax moral absolutism in the sixteenth century also removed the absolute dichotomy between GONG and SI. This rehabilitated SI as a motivation to engage in actions that are conducive to the public interest. Authors who account for this positively connoted private interest (SI), divide SI into legitimate and illegitimate private interest. Legitimate private interest, for example, the interest in subsistence of oneself and one's family, is not in contradiction with public interest and may even be regarded constituent of or conducive to the public interest. Illegitimate private interests are interests that, if pursued, result in personal benefit on the cost of others or the public good. Theft, robbery, usury are examples of pursuit of illegitimate private interests, but also the embezzlement of public funds and other kinds of corruption and abuse of power. Authors agree that officials must not abuse their power to pursue private interests that harm the public good. Though seemingly clearcut, the division of private interests into legitimate and illegitimate is subject to redefinition by individual authors.

Authors propose two kinds of solutions to promote officials' commitment to the public good (GONG)

and contain the risk that the administration of public affairs is affected by their private interests (SI). The first kind are solutions that focus on officials' capacities of internal control, that is voluntary or self-control. Authors suggest that effective internal control means that measures of external control can be relaxed. Measures include putting emphasis on qualities conducive to public-mindedness in the recruitment process and instructing officials in qualities conducive to public-mindedness. Also into this group of measures fall Wang Huizu's recommendation to subordinates that they should consciously avoid getting involved in the private business of one's superior, and Zeng Guofan's admonition of the emperor that his decisions and actions are not automatically or per definition public-minded but must be taken with the perspective of the people in mind. The second kind of solutions rely on measures of external control. They involve the creation of more monitoring instances, distinction of negative sanctions between public-minded (GONG) and self-interested (SI) offenses, and adequate utilization of positive sanctions, that is, provision of officials with an adequate budget to enable them to put the public good before their private interests in their decisions and actions. Authors also suggest mechanisms of mutual control and the election of high officials by low officials. In the writings collected in the pre-1898 compendia, the idea that certain institutional frameworks can help in transforming private interests into public interest, so that it is not necessary that all participants in political-administrative processes need to be perfectly public-minded, becomes prominent

Authors conceptualize benefit (LI) and righteousness (YI) as compatible. Similar to private interest (SI), benefit (LI) is divided into legitimate and illegitimate benefit. The division between legitimate and illegitimate benefit seems to depend on intention as much as on end result. Legitimate benefit is the result of righteousness (YI) and associated with impartiality, fairness or the public good (GONG). It is characterized by a fair distribution among stakeholders, expressed by predicates such as "mutually benefitting" 兩利 or "uniformly benefitting" 均利. Illegitimate benefit, on the other hand, is benefit that is achieved on the cost of others or the public. Again, the division of benefit into legitimate and illegitimate is subject to redefinition by individual authors. For example, merchants may be regarded as pursuing legitimate, or as pursuing illegitimate benefit and likened to robbers and thieves by different authors.

The conventional position distilled from the Mencius and the Analects is that ruler and his ministers should not explicitly communicate about policies in terms of their benefit. The fear is that this would help to spread a mindset that only focuses on shortsighted cost-benefit calculations. People will only be motivated to engage in action if they see an immediate personal advantage to do so. This has a detrimental effect on the socio-political order. The classical position also implies that the state should not engage in economic policy that goes beyond securing peasants basic economic subsistence, such as low taxation and instruction in methods that enhance agricultural productivity. The statecraft position is that the state can communicate about policies in terms of their benefit and should engage in any policy as long as it leads to the increased benefit of the people. They emphasize that the scope of legitimate benefit comprises more than just low taxation and instruction in agricultural methods. It comprises everything

that benefits the people. Major reforms of the fiscal and monetary system are justified and compatible with righteousness as long as they benefit the people not just the state. The focus on end results becomes even more prominent in the writings collected in the post-1898 compendia discussed in the next chapter. Actions are righteous if the end result is public benefit, and it is legitimate if the person acting benefits himself.

4

The polarities in the discourse of the Hundred Days Reform (1897–1898) and the New Policy (1901–1903)

THE FOUR POLARITIES CONTINUED to figure as prominent analytical terms in the writing of the Hundred Days Reform in 1898 (Wuxu bianfa 戊戌變法) and the New Policies (Xin zheng 新政) after 1901.

The “Hundred Days Reform” refers to a series of edicts that the young Guangxu emperor promulgated between June and September 1898. Under the impression of the reform discourse of the late 1890s, the emperor announced a number of substantial reforms. The reforms included the abolition of the eight-legged essay and the revaluation of questions on practical statecraft in the civil service examinations, and the promotion of the establishment of a modern school system and specialized academies for mining and other industries. The edicts also stipulated the establishment of bureaus for the coordination and promotion of agriculture, mining, industry and railways, the introduction of an annual budget process, and an improvement of training procedures and modernization of the equipment of the military. Furthermore, Guangxu ordered the streamlining of the bureaucracy and its procedures, sinecure posts were to be abolished and the redundant officials absorbed into the newly established economic bureaus. Distrust of the empress dowager in several of Guangxu’s newly employed advisers, among them Kang Youwei, led Cixi to stage a coup against her nephew. The reforms were aborted, six of Guangxu’s advisers executed, and the emperor placed under house arrest.¹

Two years after the aborted reforms, the seizure of the Beijing by military forces of Germany, France,

¹Spence (2008), pp. 278–286.

Great Britain, Italy, Japan, Austria-Hungary, Russia and the United States in the context of the Boxer incident in 1900 prompted the court to announce substantial reforms and solicit officials' suggestions for the reform of court regulations, state precedents, civil administration, people's welfare, education, civil service examinations, the military and the financial administration in 1901. An edict declared that it was now time to change the methods of government in accordance with the times, and that China should now start to focus on what had lead the Western nations to wealth and strength. In the same year, the court began to initiate reforms of the educational system and the military, and in 1903 a centralization of the financial administration, while the reform of the administrative system was only taken up after the Russo-Japanese war 1904–1905.¹

The polarities are present in writings that advocate reforms to restructure both the bureaucracy itself and the school and examination systems catering to it. Important demands are the allocation of adequate budgets (positive sanctions), professional training, clear demarcation of official responsibilities, consequent monitoring and sanctioning, abolition of the seniority principle, abolition of sale of office and the extension of the duration of terms-of-office. Writers also employ the polarities in the discussion of the pros and cons of establishing a parliamentary monarchy. “The West” enters political writing as the second projection foil of political ideals besides antiquity, and a source of good and bad precedents.

Observers both in- and outside of China viewed the Chinese defeat in the First Sino-Japanese War of 1894/95 as a sign of the failure of decades of self-strengthening in the fields of industry, military, diplomacy etc. Official corruption and incompetence was regarded as one of the main reasons of the failure of many self-strengthening projects, that suffered from a discrepancy between plans on paper (MING) and their realization (SHI). Based on the assumption that Chinese men (REN) cannot be inherently more corrupt and incompetent than men in the West by nature, some authors of the writings in the post-1897 compendia conclude that there was something wrong with the regulatory framework (FA) in which these men act. They suggest that the institutions (FA) must be reformed, starting with the civil service. Aspects previously associated with REN such as adequate remuneration (positive sanctions), a clear demarcation of official responsibilities, monitoring and sanctioning, as well as professional training and recruitment (civil service examinations), are now beginning to be associated with FA. Authors suggest that a clear demarcation of official responsibilities is to facilitate monitoring and sanctioning, and render officials more accountable to their duties. Adequate remuneration is to lower corruption rates. REN and FA are also employed in debates about the question of whether the institutions of foreign countries require a set of skills and abilities which the Chinese bureaucratic workforce is not equipped with and how to deal with this problem.

Authors employ the MING-SHI polarity to emphasize that regardless of whether institutions are reformed or not, it must be ensured that they operate effectively. On the national level, a discrepancy between MING and SHI is evoked to lament the control deficit of the central government and the lack of enforcement of administrative rules. On the level of the individual official, the discrepancy of MING

¹Chuzo (1980)

and SHI is used to accuse officials of incompetence, corruption and neglect of official duties. Authors demanding the “observation of the correspondence of MING and SHI” call for the conventional set of measures associated with this request: recruitment of officials according to aptitude, clear demarcation of official responsibilities so as to hold officials accountable through sanctions. Adequate remuneration is also among their demands.

The GONG-SI polarity gains in prominence as compared to the pre-1898 compendia and is used to formulate and discuss a number of problem constellations. GONG rises to the status of a standard of validity or central value, the exact substance of which remains to be defined. Authors use the polarity to cast the capacity of the central government to define the public interest into doubt. They accuse the ruling elite to redefine their own private interest as public interest. Authors also employ the polarity to underline the compatibility of the pursuit of private interests with the public good, in the economic arena, but also as a general rule in the socio-political field. Parliaments are characterized as institutions which serve the transformation of private interests into the public good.

The post-1897 compendia, without exception, present LI and YI as a pair of compatible concepts. Authors characterize LI as in harmony with YI under the condition that actions that benefit the individual do not harm others or even simultaneously benefit the others as well, in short, when benefits are fairly distributed. There is more emphasis than in the pre-1898 compendia on the idea that it is legitimate that an individual who engages in beneficial acts should be allowed to benefit himself. In this context, the five relationships of Confucianism are conceived as based on the principle of mutual benefit. Self-benefit (ziLI 自利) is presented as providing an incentive to engage in beneficial action or as responding to the instinct for self-preservation.

4.1 REN and FA

There is a tendency in the writings collected in the post-1898 compendia to attribute aspects such as training and recruitment, monitoring and sanctioning to FA instead of REN. This is a shift on the rhetorical level, as the advocacy of accountability and enforcement of existing regulations does not change. It is paralleled by a tendency to use FA to not only designate concrete policies or institutions (and their regulations), but also the general institutional framework. Efficacy is still regarded as dependent on the men in charge (REN), but the institutional framework is prioritized in so far as authors state that the efficacy of men (REN) cannot unfold without the right institutional framework (FA).

In the writings discussed in the following, Liang Qichao, Mai Menghua, and an anonymous author writings under pseudonym underline professional training and recruitment, clearly demarcated duties, monitoring and sanctioning (including adequate remuneration as positive sanction), which they regard as institutional aspects (FA), as the foundation of good government. Another anonymous author confirms that “relying on regulations (FA)” (ren FA, deciding according to rules of procedure) is (GONG), while “relying on the men in charge” (ren REN, leaving the decision to the men in charge) is impartial or fair (SI). Guo Zongxian’s and Zhang Jian’s essays provide different answers to the question of how to account for the fact that large-scale reform of the institutional landscape has to cope with a skills gap, as the personnel trained under the old system does not have the skills and knowledge to operate the new institutions. While Guo is skeptical as to whether the gap can be bridged and the new institutions be successful, Zhang proposes the establishment of transitional training and assessment centers that equip bureaucrats with the required skills and attitudes.

Liang Qichao employs the REN-FA polarity to defend his reform enterprise in his well known essay on “The bad consequences of ignorance about the foundations of reform” 論變法不知本原之害.¹ Liang emphasizes the role of institutions FA in providing the framework in which REN can unfold their potential. Liang’s reform demands include a reform of training and recruitment of officials, a reform of the bureaucracy’s personnel and task structure to render official duties clearly demarcated, and consequent monitoring and sanctioning to enforce these duties. While these aspects are conventionally associated with REN in the the pre-1898 compendia because they pertain to the individual official and his superiors, Liang regards them as part of the institutional framework (FA). Liang contends that reform is indispensable, but that it can only be effective if it proceeds along a logical course. The logical course of reform is to start with the reform of the fundamental institutions (FA), as they provide the foundation for the reform of men (REN, both officials and the population in general). Reform should start with the bureaucratic system, proceed with the educational system, and then tackle the economy and infrastructure (industry, commerce, finance, transport and postal system).

Liang insists that if reform proceeds according to a logical course, this will also reduce the prolonged

¹HCJSWBWJ/QSZ, 32:10a–11b.

need for foreign staff. Liang regards it as a fact that most self-strengthening reforms failed because the Chinese officials entrusted with the reforms were incompetent and corrupt. However, Western staff are not inherently brighter and more law abiding (feng 奉法) than the Chinese.

“When Western staff was employed in the implementation of new policies, the would project would succeed in most cases. When Chinese staff was employed, it would fail in most cases. Many would say the reason for this was that Western men are bright while Chinese men are ignorant, and Western men respect the regulations (FA) while Chinese men tend to pursue their own private interests (SI). It is certainly the case that our officials are not competent enough to manage these projects. But we cannot blame these men (REN) alone. Men do not differ that much in terms of intelligence and integrity. If someone says that Western men are all intelligent while Chinese men are all stupid, that Western men are all upright while Chinese men are all corrupt, even a little child would judge him wrong. This is why we cannot blame in on the men (REN) alone if Western officials are capable managers and Chinese officials are not.”

中國之行新政也。用西人者。其事多成。不用西人者。其事多敗。詢其故。則曰西人明達。華人固陋。西人奉法。華人營私也。若夫肉食官吏之不足任事。斯固然矣。雖然。吾固不盡為斯人咎也。今夫人之智愚賢不肖。不甚相遠也。必謂西人皆智。而華人皆愚。西人皆賢。而華人皆不肖。雖五尺之童。猶知其非。然而西官之能任事也如彼。華官之不能任事也如此。故吾曰不能盡為斯人咎也。

There are structural reasons that lie at the heart of bureaucrats' incompetency and corruption, Wang says. Officials recruited via the civil service examinations cannot be expected to make farsighted plans for the governance of the country. Officials who have bought their posts via the system of sale of public office cannot be expected to act with a heightened sense of honor and commitment to public good. Officials have to perform a multitude of highly specialized tasks for which they do not receive adequate training. At the same time, responsibilities are not clearly demarcated, often multiple officials are in charge of the same tasks. If officials are neither professionally trained to fulfill their duties nor held accountable if they do not fulfill them, they cannot be expected to commit all their energies to their official duties. Another problem is that the competition for the scarce job opportunities in the civil service and the inadequate remuneration corrupts officials' morals. Officials have to be unrealistically virtuous if they are to work for the public good despite of suffering from material hardship due to their insufficient official budget.

Liang attributes all the above structural deficiencies to the institutions (FA). His conclusion is that “all is caused by the institutions (FA). If proper institutions (FA) are established, even the average man (REN) can become upright and knowledgeable. Improper institutions (FA) have the opposite effect” 法使然也；立法善者，中人之性可以賢，中人之才可以智；不善者反是。But of all reforms, reform of the “civil service” or “bureaucratic system” (guanzhi 官制) has to come first. Reform of the guanzhi is

the precondition for a successful reform of the civil service examination system. Reform of the civil service examination system is the precondition of the reform of the educational system, and both in turn are the precondition for the successful reform of China's infrastructure, industry, agriculture, finance, and commerce.

Mai Menghua similarly regards a reform of the institutional framework (FA) as precondition for ensuring that the potential of the mass of average officials (REN) can be properly harnessed. Mai insists that the bureaucratic task structure must revert from institutions (FA) with "distributed" or "devolved responsibilities" (fenren 分任) to institutions with "dedicated" or "clearly demarcated responsibilities" (zhuanren 專任). Mai argues that the reforms introduced in thirty years of self-strengthening in the areas of infrastructure, industry, commerce, foreign relations and education have not had the desired effect because of functional deficiencies of the bureaucracy.¹ These deficiencies are the reason why "the implementation of the same good policies, which have been implemented to great effect by the people in the West, became mired in abuse, obstruction, delay, and embezzlement in China, so that these policies were suspended in the end" 且同此善政，西人行之而大效，中國行之而滋弊；壅隔侵蝕，卒至廢輟. Success of the new policies is tied to the existence of mechanisms for ensuring that the people in charge of their implementation take care of the concrete necessary steps and that nobody involved embezzles the public funds allocated.

Mai makes a number of specific suggestions to bring back a bureaucratic system that prepares the ground for the success of other reforms. He demands the abolition of sine-cure posts, precise demarcation of official duties, prolongation of terms-of-office, and the allocation of sufficient official budgets to prevent officials from exacting illegitimate fees from the people. On the point of clearly demarcated responsibilities, Mai remarks that the point here is just to restore a prior historical state of the bureaucracy. The whole point of establishing a bureaucracy had been to make the government system more robust. When responsibilities are not clearly demarcated and assigned to individual officials, this is bound to lead into chaos sooner or later.

"With institutions (FA) that put one man in charge of a task (zhuanzhi 專制), the task will fail if the wrong man (REN) is put in charge, and it will be accomplished when the right man (REN) is put in charge. With institutions (FA) with devolved and overlapping responsibilities (fenren 分任), there will be chaos no matter whether the wrong or the right men (REN) are in charge. With institutions (FA) with clearly demarcated responsibilities (zhuanzhi 專任), achievements as well as failures can be clearly attributed to the responsible person. With institutions (FA) with overlapping responsibilities, men will contend with each other to take the credit for achievements, and they will try to shift the blame on each other for failures. This is why the former kings, when they established their bureau-

¹HCJSWXINB/MAI, 3:1a-9b.

cratic apparatus, created many assistants but no deputies. This was done in order to clearly assign responsibilities and unify competencies.”

故專制之法。失人則亂。得人則治。分任之法。失人亦亂。得人亦亂。專任之法。治一其功。亂專其責。分任之法。治則相軋。亂則相諉。是以先王之立官也。廣其僚屬而不佐以副貳。所以專責成。而一事權也。

Mai argues that responsibilities were once clearly demarcated in the bureaucratic system. This ideal state changed in the course of history due to modifications introduced by later emperors. The modifications led to “devolved administrative responsibilities” 分任, which is not a robust form of government.

Mai argues that the point of the fundamental reforms of the bureaucratic system he proposes is to strengthen the efficacy of the bureaucracy by turning the mass of “average REN” (zhongREN) into valuable members of staff. The success of all reforms depends on the condition of the “average men”.

“With the appropriate adaptations, by furthering what benefits, by reforming what can lead to abuse and harm, and by establishing good FA, average REN can have an upright character, average REN can have a bright intellect, average REN can have outstanding capabilities. If new policies are introduced under these conditions, they can all be effective. If new FA are promulgated under these conditions, they can all be enforced.”

若此者增減得宜。利舉弊革。立法美善。中人之性可以賢。中人之質可以智。中人之力可以才。以行新政。何政不舉。以興新法。何法不張。

An anonymous author writing under the pseudonym “a mister from Xianqiao in Lingnan” 嶺南仙橋氏 similarly argues that institutional arrangements (FA), in particular an adequate administrative budget, are an important lever for containing officials’ (REN) corruption. The author presents Western public budgets as evidence for the fact that Western nations “strive for simplicity of FA” 泰西立法尚簡.¹ What the author calls simple is that a sufficient budget automatically engenders an attitude conducive to voluntary compliance and cooperation on the part of the officials.

“The Western nations strive for simplicity in their institutions (FA). In their personnel politics, when calculating the budget, they ensure that an official’s (REN) expenses do not exceed his income so that he does not get into financial difficulties. If officials have sufficient financial means after deduction of their expenses, the practices of extortion and embezzlement will naturally come to an end.”

泰西立法尚簡。其用人也。必計其人之用度。不使入不敷出。有內顧之憂。所定薪水。必令於費用外饒有餘資。則自絕侵漁之弊矣。

¹HCJSWBWJ/QSZ, 32:12b.

Another anonymous author advocates the abolition of the seniority principle.¹ The anonymous author points out that the seniority principle did not exist during the Han dynasty. It was only introduced in the Northern Wei dynasty and consolidated during the subsequent Tang dynasty. The seniority principle was not abolished later although “everyone agreed that it was a detrimental policy” 夫資格之為弊政人莫不知 because a powerful idea was cited in favor of it. “Was not the reason cited in favor of keeping the seniority principle always that letting men (REN) decide easily leads to partiality (SI), while letting regulations (FA) decide leads to impartiality (GONG)” 豈不以任人則易涉於私。任法則動合於公耶。

The anonymous author does not disagree with the tenet of “letting regulations (FA) decide”, that is, following established procedures and standards. But at the same time, the author argues, this cannot mean to stick with regulations (FA) that are detrimental for the bureaucracy’s efficacy. The detrimental effect of the seniority principle is that people with below-average qualifications are guaranteed positions and automatic promotions, regardless of their qualities and performance. At the same time, committed and talented candidates are demoted for minor infringements of rules, which drains their enthusiasm and renders them unable to put their talents to use.

Guo Zongxian 郭宗憲 (?–?) employs the categories of REN and FA to discuss the introduction of Western political, legal and economic institutions (FA) in China, namely parliaments, private enterprises, elections, a national army and a 20% tax rate.² Guo argues that institutions (FA) must not only be good, but adapted to the men (REN) who are supposed to operate them. Guo differentiates between these FA, institutions defined by statutes specifying duties, and non-FA (wu FA 無法), Guo’s term for rights or freedoms. Guo thinks that Western nations have achieved an optimal balance between FA and non-FA, that is, between where to regulate and where not to regulate REN through FA.

“In the West, they employ FA and non-FA simultaneously, and in both respects, they outperform China. When looking at it in terms of freedoms and equality, they abandon taboos, abolish harsh legislation and increase transparency (lit.: reduce chances of intentional misinformation). Everyone can act according to his own will and utter his own opinion. There is no great difference between high and low. The ruler is not valued excessively highly. The people are not valued excessively lowly. They are connected like one entity. This is how the West excels in not not restricting/regulating (wu FA). When looking at it in terms of the clear specification of statutes for the civil service, industry and commerce, everyone is aware of his professional duties and performs them without constant surveillance. Everything is regulated down to the last detail, everyone proceeds accordingly, there are no exceptions. People do not mind when the orders change at short notice. This is how the West excels in restricting/regulating (FA).”

¹HCJJWXB/YJS, 10:7a.

²HCJSWBWJ/QSZ, 2:23a–27b.

彼西洋者。無法與法並用。而皆有以勝我者也。自其自由平等觀之。則捐忌諱、去煩苛、決壅蔽。人人得以行其意。申其言。上下之勢不相懸。君不甚尊。民不甚賤。而聯若一體者。是無法之勝也。自其官工商賈章程明備觀之。則人知其職。不督而辦事。至纖悉莫不備舉。進退作息未或失節。無間遠邇。朝令夕改。而人不以為煩。則是有法勝也。

This seemingly makes the Western nations a good model for China in terms of balancing FA and non-FA. Recreating the same balance in China is not a matter of simple transfer, however. The reason is that changes on the institutional level (FA) can only be effective if the personnel level (REN) is prepared to accommodate them. If not, it is unwise to change institutions (FA), as this will lead to chaos: “factional struggles will continue and the nation will dissolve over it” 黨論紛歧至於亡國而後已. Wang Anshi’s problem was not that his new institutions (FA) were not good, or his intention bad, but they could not work because men’s (REN) “mores and attitudes at the time” 其時之風俗人心 could not adapt to them. The intellectual, moral and physical strength of the Chinese people is at a low point, so that they cannot play their part in the reform effort. To conclude from the historical lesson of Wang Anshi’s case that the government should refrain from reform in general is “not rational” 不達於理, however. But instead of attempting to bring about democracy, parliament, stock companies, elections and a national army from one day to the next “which is how a few people think it can be achieved” 有一二人焉謂能旦暮為之, Guo advocates incremental change.

Guo cites a contemporary saying that “wealth and power cannot be created, they can only be brought about by creating favorable conditions, giving the right impetus, fostering the roots and watching over its growth, so that effect sets in before one was expecting it” 富強不可為也，特可以致之者；何相其宜，動其機，培其本根，衛其成長，使其效不期而自至. Guo makes no concrete suggestions as to how to prepare the grounds for the successful establishment of the institutions. He seems to imply that the root of men’s insufficiency is that Confucius’ teachings are not understood, and that the ignorance of the logic of reciprocity and mutual benefit is especially problematic. According to Guo, an understanding of the logic of mutual or conjoint benefit (gong li 共利) is the basis for successful self-rule (zizhi 自治), which in turn allows for freedom (ziyou 自由) and sovereignty (zizhu 自主).

In 1901, Zhang Jian 張謇 (1852–1926) answers the chicken-and-egg question of whether REN or FA comes first in the logic of good governance by introducing a functional differentiation between institutions.¹ Zhang differentiates between places (a physical reference to institutions) where REN make new FA, and places where FA help to make men into “REN who bring order”.

“In places that establish FA, REN who bring order produce FA which bring order. In places that execute FA, FA which create order produce REN who bring order.”

立法之地。以治人生治法。行法之地。以治法生治人。

¹張謇：變法平議 in 邵編·卷一百二通論部三。

Zhang argues that the concern that there “is no qualified personnel (RENcai) is not a valid argument against the new institutions, as the extant institutions suffer from the very same “lack of talent”. Zhang’s answer is the establishment of a special transitional institution, the keliguan 課吏館 for the time in between the abolition of the civil service examinations and the establishment of a new national school system. Keliguan were educational institutions providing successful candidates of the metropolitan examinations waiting to be posted to an office (houbu guanyuan 候補官員) with intensive training in practical administrative affairs. They were also meant to further screen and assess the prospective officials. They were supervised by the governor-general of the respective province. Zhang’s essay dates prior to 1902, when keliguan were established nationwide with the proclamation of the Qing court’s “New Policies”.¹

In Zhang’s eyes, professional knowledge is key to a competent bureaucratic workforce. In order to produce a sufficiently large talent pool, it is necessary to educate everyone in a specialized disciplinary curriculum. Zhang’s answer to the questions as to how to deal with the fact that men (REN) lack qualifications they need to properly implement new institutions (FA) is to establish an institutions for professional training and assessment of officials. The keliguan is an interim institution that provides officials (REN) with professional knowledge because “government business cannot be put on hold to wait for the right men (REN)” 必不可停政而待人也 during the transitional period before a new educational system has been put in place.

¹Xiao (2006)

4.2 MING and SHI

The basic function of the MING-SHI polarity does not undergo significant change in the writings collected in the post-1897 compendia as compared to the pre-1898 compendia. Its two principal functions are pointing out implementation deficits, and subverting opposing arguments (MING) by implying that they lack a grounding in reality (SHI). Recapitulating the projects of the self-strengthening period, authors observe that no matter whether it is extant or newly established institutions, the measures that ensure the congruence of MING and SHI, that is, compliance of officials to the institutional regulations, and thereby institutional efficacy are the same: recruitment according to aptitude, clearly assigned responsibilities, monitoring and sanctioning to hold officials accountable for their responsibilities, as well as adequate remuneration (positive sanctions).

The essay of an anonymous author on “Observing the correspondence of name (MING) and performance (SHI)” 綜覈名實說 deals with the different kinds of MING that an individual can have in the socio-political sphere – reputation, official title and academic title.¹ The anonymous author starts with a theoretical statement on the relationship of MING and SHI. A name (MING) is always false (xu 虛) if reality (SHI) does not correspond to it.

“A name (MING) is something that refers to an actuality (SHI). A name (MING) without a actuality (SHI) is a false name (NAME). A gentleman should not value it.”

名者實之賓。若有其名。而無其實。則為虛名。君子勿貴也。

The anonymous author substantiates this theoretical instruction with a number of specific examples, proceeding from the virtues of loyalty and piety to official titles and ending with scholarly designations.

While it is desirable for anyone to receive the designation, or, in this case more aptly, reputation, of being loyal or filial, one should not solely strive for the reputation (MING), but strive for the reality (SHI), that is, strive to really act loyal or filial. Anyone who comes with a reputation for being loyal or filial but acts to the contrary will earn a reputation for “false loyalty” (weizhong 偽忠) or “false piety” (weixiao 偽孝). In the end, no one can enjoy a reputation (MING) for something that he actually (SHI) is not. At the same time, a person can deceive people who do not care to check (zonghe 綜覈) whether his reputation (MING) corresponds to reality (SHI). Reality check are necessary to avoid being deceived. When appointing officials, the sage kings and their virtuous ministers, the author reassures, always double-checked whether the reputation of a person matched his behavior in order to avoid wrong choices. For administration, this means to check whether the high officials are all engaging in the implementation of the ruler’s policies “with real commitment” 實力 and do not just engage in “empty talk” 空言, pretending they are implementing the policies while remaining inactive. It also means to check

¹citetialiashe1902, 7:4a.

whether the lower officials carry out the orders they receive “with real commitment” 實力 and do not just regard them as “dead letter” 具文.

Next, the author comes to speak of official titles. Key to improving bureaucratic discipline (*lizhi* 吏治) is to ensure that the title (*MING*) of an official matches his actual performance (*SHI*). A district magistrate, literally “the one who is in charge of the district” (*zhixian* 知縣), should indeed be informed about and in charge of all affairs in the district. The examination supervisor, who literally “presides over the examination” (*zhukao* 主考) should only be concerned with tasks related to the examination papers, and nothing else. The provincial education commissioner, literally the one “in charge of the educational administration” (*tidu xuezheng* 提督學政), should supervise education and be involved in related administrative activities. However, as the provincial education commissioners are usually recruited from among the members of the Hanlin academy, the anonymous author notes, they are often inexperienced in administration and leave administrative business to their secretaries and scribes. This leads to a situation in which “according to the title (*MING*), the office is in charge of administration, but the man who occupies it is not in charge in reality (*SHI*)” 官有政之名。人無政之實.

Finally, the author speaks of informal honorific titles for outstanding scholars, and the title *ru* 儒, and observes that they are all not easy to live up to in practice (*SHI*) due to all the implications the titles (*MING*) have in terms of the bearer’s personal virtue and scholarly achievements. He concludes that it is important to always be aware of what a title implies. It is a common hope of men that bearers of titles lives up to the requirements and that the emperor ensures that they do.

The first writing of Chen Ciliang’s 陳次亮 (Chen Chi 陳熾, 1855–1899) *Yongshu* is an essay entitled “Name (*MING*) and reality (*SHI*)” 名實. The essay is included in the chapter *Lizhi* 吏治 (Bureaucratic discipline) of the *HCJSWBWJ/QSZ*.¹ Chen published the *Yongshu* 庸書 (Book of the Correct Methods²) in 1896. The *HCJSWBWJ/QSZ* includes the complete *Yongshu*, but the writings are distributed across different chapters of the compendium.

Chen writes that in the more than 280 years since the foundation of the Qing dynasty, regulations (*FA*) have been modified and refined, their coverage has been extended, the related documents accumulated and grown more complex in the process. The strategies of officials and functionaries to abuse the rules to their personal advantage have become more sophisticated at the same pace. The extant institutional framework is not bad, but it suffers from official corruption and incompetence. Criminals are not persecuted because they pretend to hold up the law and the public good, while, in reality, they evade and bend the rules. There are mediocre and incompetent people who constantly underperform and achieve nothing but who are able to preserve their salary and status in the long run.

After China’s forced opening to Western overseas trade (*haijin dakai* 海禁大開), there is an urgent need for many institutions and regulations to change and adapt. Two common reactions to the need for

¹HCJSWBWJ/QSZ, 1:7a–b

²Translation suggested in Lackner (2008), p. 191.

change are a conservatism that rejects all change, and a reformism that rejects all extant institutions and wants to exchange them for foreign solutions, Chen argues. Both is not an option, Chen says. The conservatives' ignorance and inaction is dangerous. The reformists fail to pay close attention to the situation of the Chinese people (Zhongguo zhi renqing 中國之人情) with their plans, and at the same time do not grasp the good points about the extant institutional framework which they want to discard.

“How to respond to this situation? Simply by checking the correspondence of responsibilities (MING, what ought be observed) and performance (SHI, what is observed, or, rather, not observed). We should check whether regulations and institutions (FA) that should be adhered to are carefully adhered to by observing whether the effect (xiao) of adhering to the institutions (FA) occurs. Then we do not need to doubt and abolish them. We should check whether regulations and institutions (FA) that should be reformed are vigorously reformed by observing whether efforts (gong) to reform the institutions (FA) are made. Then we do not need to expect regrets later.”

然則何以待之。亦惟綜覈名實而已矣。法之宜守者。慎守之實。課以守法之效。毋庸見異而遷也。法之當變者。力變之實。責以變法之功。毋俟後時而悔也。

Contributive to achieving the effectiveness of existing institutions and reforms are a moderation of the tone of the debates and a steady reform course. Qualified men (MEN) have to be put in charge and assigned clearly demarcated responsibilities (專其責任). This way, they can be held accountable just like the Zhou princes according to the Book of Documents, who “presented oral reports, which was verified by comparing it to their achievements. They received chariots and robes according to their merits.” 敷奏以言。明試以功。車服以庸。

In the preface to Chen Ciliang's Yongshu, Song Yuren highlights Chen's decision to open the book with a text on MING and SHI. The book covers various aspects of government in past and present, in China and foreign countries, says Song, but its common thread and recurring theme is the correspondence of MING and SHI.

The hundred chapters emphasize the necessity of the correspondence of responsibility (MING) and performance (SHI). The first chapter is therefore entitled ‘MING and SHI’. The monitoring and sanctioning of the bureaucracy, the governance of the people, the promotion of learning, the management of resources, the moderation of the laws, the organization of the army and the defense of the borders are connected to the causes of the rise and fall of states in present and past. The name (MING) or reality (SHI) of rules and the resulting in order or chaos of paragraphs are discussed in detail. Much attention is given to transformation of mores and fundamental principles of good governance.”

內外百篇言綜名實。故以名實篇託首。其於審官牧民興學理財平律治兵籌邊。反覆於古今盛衰之故。中外名實之科治亂之條貫備矣。而於風化治本尤欽欽致意焉。

Song argues that China's domestic problems and its weakness towards foreign powers are closely inter-linked. The primary problem of China's domestic policies, according to Song, is that they are not implemented: "they certainly exist in name (MING) but not in reality (SHI)" 今固有其名也而未始有其實也. The solutions consists in improving the accountability of the bureaucracy. Personnel politics must "observe the correspondence between responsibilities (MING) and performance (SHI)" 審名實 by holding officials responsible for their claims.

MING and SHI already figured prominently in Song Yuren's own reform writing before he wrote the preface to the Yongshu.¹ In the Shiwulun 時務論 ("On current affairs"), Song writes about a number of points which past and present experience has shown to be the most "important techniques of wealth and power" 富強之要術. Even more fundamental than these techniques, however, are the "fundamental principles of order" 治本, Song points out. If one only excavates these foundations from accounts of the rule of the ancient kings, one will end up with something very lofty and removed from the present time. And as "anyone who wants to talk about the lessons of the past has to check their validity in the present" 善言古者必有驗於今, quoting Wei Yuan, it is advisable to corroborate the wisdom excavated from the past with "what is already implemented to great effect in enemy territory" 敵國已行之效. Song thus presents four "fundamental principles of order" and seeks to corroborate them with recent historical evidence.

Song devotes most space to the third principle, which he calls "observing the correspondence of nominal responsibilities (MING) and actual performance (SHI)" 核名實. Song regards the "discrepancy between nominal responsibilities (MING) and actual performance (SHI)" 名實不相副 as the reason why many important affairs are left in disarray although there is no shortage of officials. This discrepancy includes both cases in which one official is assigned too many responsibilities, as well as cases of officials who have no actual responsibilities at all. Both is detrimental to the efficacy of the bureaucracy. The official who has to administer to many disparate affairs at once is so caught up in paperwork and meeting formal requirements that he has no time to properly think things through. Officials with no specific duties are usually badly paid, so that they spend their time teaming up and engaging in corrupt practices.

Confucius emphasized the importance of "correcting the names (MING)" 正名 for good government. According to Confucius "the role is determined after the name (MING) is correct" 先正其名其分乃定. Applied to the sphere of bureaucracy, this means that in a world of correct names, the assignments of an official post are fully determined by its title. The most important point to observe in government is the constant revision of the official titles (MING) in the written administrative framework, the Huidian 會

¹HCAWB/YU, 2:19b-47b. Song is the author of one of the three prefaces of the HCAWB/YU. The other two prefaces are by Zhang Zhidong and the editor Yu Baoxuan himself.

典 (Collected official statutes) in the case of the Qing dynasty. The ancient model for this kind of compilation is the Zhouli 周禮 (Rites of Zhou). The Rites of Zhou specified the tasks (shi 事) of each office in a few sentences and with a plausible name (MING). This way, “anyone in the realm could understand how names (MING) are expected to correspond to reality (SHI)” 循名責實天下可得而理, and was informed about the responsibilities of each individual official. The only reason why Confucius himself did not compile such a book during his service in the state of Lu was that he was only a rites specialist back then.

The first step in “correcting the names” today, then, is to publish a companion edition to the Collected Statutes that contains clear specifications of each officials’ duties. A further condition to ensure that nominal responsibility (MING) and actual performance (SHI) correspond to each other is that the official salary should match the responsibilities of an official and be sufficient to conduct official business and feed the family. In the process of reforming official salaries to conform to this condition, customary fees have to be regularized. The regularized quotas for customary fees should be made public, so that people can file complaints if they are charged too much. Sinécure posts should be abolished, especially if they encourage men to engage in corrupt and nepotist practices. The officials-in-waiting thus freed can be trained in technical subjects so that they can work as government experts in these fields if they are not appointed to regular posts. Sale of office should be abolished because it promotes corruption in office.

In conclusion, Song Yuren lists the advantages of the central idea of adjusting titles (MING) and responsibilities (SHI) through the reform of the bureaucratic structure. Upright officials can fully commit to performing their tasks. Less upright officials will not dare to pursue their private interests at public cost (營私以廢公). With clearly demarcated responsibilities it becomes possible to evaluate people more objectively and to recognize particularly able officials. With appropriate budgets that correspond to the nature of official responsibilities, officials need to fear that they run out of money to entertain their own households, so that the people stay free from the burden of excessive surcharges.

Wang Tao 王韜 (1828–1897) attacks opponents of reform and uses the MING-SHI polarity to critically interrogate the validity of their arguments in his essays on “Reform” 變法.¹ Wang Tao counters the ideological argument of the reform opponents of any reform that “China uses its own models (FA) to order the realm and she bases them on the way (dao) of her sages” 我用我法以治天下，自有聖人之道在 by stating that even Confucius would not stick to anachronistic solutions if he was reborn in the contemporary world. The other arguments cited by opponents of reform apart from this ideological argument are equally out of touch with reality, Wang says. In the whitewashed version of reality they present in their petitions, “the Western nations can never hope to attain the great multitude of China’s talented men, the vastness of China’s territory, the power of China’s army, the wealth of China’s resources and the perfection of its institutions” 中國人才之眾也，土地之廣也，甲兵之強也，財力之富也，法度之美也，非西國之所能望其項背也。

¹HXAWB/YU, 1:5b–7a.

While this may all be true, it is everything but a valid argument against reform, Wang argues. China has great potential but leaves it untapped. China does not nurture its talents so that they can be put to good use in the government. “The court maintains the claim (MING) that it fosters talents, but the reality (SHI) of talents being fostered is not given” 是朝廷有養士之名而無養士之實也. The examinations system recruits ignorant people into the civil service. China does not train its armies so that they can protect the country. “The land and naval forces only exist in the registers in name (MING) but not in reality (SHI)” 今之陸營水師其著於籍者有名而無實. China has resources but does not utilize and multiply them to increase the government budget. China has good institutions but no proper mechanisms to ensure that the public good is respected and regulations (FA) are adhered to and that their significance rise above dead letter (juwen 具文). Its overly complex legislations invite abuse. Functionaries’ bending and breaking of the law goes unchecked because nobody can be bothered to deal with the complicated legal requirements. “The throne maintains the claim (MING) that regulations (FA) are being adhered to, but the reality (SHI) of regulations being complied to is not given” 是朝廷有行法之名而無奉法之實也.

It follows that there is an acute need for reform, Wang concludes. Civil service recruitment methods have to change. Schools need to recruit teachers who can act as both intellectual and moral role models. The army needs to introduce modern training methods, and the naval forces need modern ships and weaponry. Regulations need to be simplified and made public.

An anonymous author cites the idea of “observing the correspondence of nominal responsibilities (MING) and actual performance (SHI)” 循其名責其實 as the quintessence of his argument to abolish redundant low official posts created to accommodate members of the growing group of officials-in-waiting (houbu 候補).¹ The prosperity of a state and its people does not increase proportional to the absolute number of officials. It is rather dependent on whether the number of officials matches the amount of administrative tasks to be performed, and whether the tasks are appropriately distributed among the officials. Superfluous officials in the capital are simply a waste of public resources because “having them is as good as not having them” 雖設如不設. Superfluous officials in the provinces are worse because they try to improve their meagre salary by illegal means and harass the local population so that “one is actually better off not having them than having them” 雖不設或愈於設.

The MING-SHI polarity plays a key function in the first two of six suggestions which Zhou Hengqi 周恒祺 (1824–1894) proposes to “rectify bureaucratic discipline” 整飭吏治.² Zhou’s first suggestion is to strengthen the enforcement of imperial orders in the provinces. His second suggestions is to “observe the correspondence of nominal qualities (MING) and actual performance (SHI)” 核名實 in the recruitment of candidates. Officials recommending candidates should be required to highlight one or

¹HCJJWXB/YJS, 7:6a–b

²HCJSWSANB/CHEN, 22:1b.

two special qualities or competences of their protégé in their recommendation letters such as exemplary conduct, military aptitude or love for the people. After one or two years in office, the candidates can be evaluated with respect to their qualities. If “actual performance (SHI) and nominal quality (MING) correspond” 實與名副 they can be promoted. If not, their patrons can be held responsible.

Cai Zhenfan 蔡鎮藩 (jinshi 1892) memorializes the court pleading for an “inspection the current state of the bureaucracy and a clear specification of official responsibilities in order to establish the new policy” 審官定職以成新政.¹ Cai criticizes that the policy of the past thirty years has been characterized by make-shift solutions. Many new task forces established in the context of self-strengthening have not been staffed by regular officials, there was no clear assignments of tasks to officials, and therefore also a way of evaluating the performance of the staff. Most recently, the court started to “scrutinize the correspondence of nominal duties (MING) and actual performance (SHI)” 綜核名實, abolishing superfluous posts and agencies and drawing up statutes, which shows that the mismatch between officials and administrative responsibilities has now full imperial attention. The most important task pending now is a reorganization of the bureaucracy, Cai says. The offices have to be reorganized in a way that responsibilities are clearly demarcated and associated with specific officials. This is to ensure that officials can be properly evaluated and held accountable for fulfilling their responsibilities.

“Without a reorganization of the bureaucracy, it is not possible to specify official responsibilities. Without a clear specification of official responsibilities, it is not possible to establish a proper way of evaluating officials. Without a proper system of evaluation, it is not possible to hold officials accountable for doing their job. Without officials performing their job, it is not possible to achieve wealth and power.”

非修官制。不能定職守。非明職守。不能立考成。非嚴考成。不能責功效。非收功效。不能致富強。

Cai presents eighteen concrete suggestions for how to reorganize individual institutions of the imperial bureaucracy. In several of them, Cai employs the MING-SHI polarity.

Cai uses MING-SHI to criticize the excessive powers and responsibilities of the Grand Council, an informal policy making body that had originally been put in charge of military affairs by the Yongzheng emperor in the context of his campaigns in the Northwest. For Cai, the Grand Council is the example par excellence of “China’s greatest problem, namely the discrepancy between nominal responsibility (MING) and actual performance (SHI)” 中國之大弊曰無名實. With the many changes and reforms initiated in recent times, the breadth of tasks of the Grand Council has grown tremendously, the decisions require more time than busy members of the Grand Council, usually concurrent members of other high government agencies, have to spare. Cai advocates to split the powers and responsibilities concentrated in the Grand Council and distribute them among the Grand Secretariat, the Hanlin Academy

¹HCAWB/YU, 12:20b–30a.

and the Grand Council. This would more or less restore the setup established when the Qing dynasty was founded, which Cai regards as optimal, when the tasks that are now the sole responsibility of the Grand Council were performed by three institutions all staffed with secretaries.

Cai uses MING-SHI to point out the dysfunctionality of the board of public works. According to Cai, “never before were the nominal responsibilities (MING) of the board’s officials so removed from their actual performance (SHI)” 冬曹事官。未有名不符實如今日者. Cai makes a number of specific suggestions on how to reorganize the board’s staff and their responsibilities. In the case of the Grand Council, the discrepancy between MING and SHI consists in the members of the Grand Council amassing too many powers in their hands without any formal backing, says Cai. In the case of the board of public works, the discrepancy between MING and SHI is characterized by overlapping responsibilities and that leads to an inability to perform at all. Numerous officials share very similar responsibilities of oversight so that none of them feels personally responsible, leading to an immense waste of funds in badly monitored public construction projects.

4.3 GONG and SI

The importance of the GONG-SI polarity increases in the post-1897 compendia as compared to the pre-1898 compendia. GONG-SI is employed to state a number of interesting points in political-administrative discourse. In the writings of Huang Zongxi and Liang Qichao, GONG and SI are used to cast the capacity of the central government to define the public interest (GONG) into doubt. Huang and Liang subvert the ideological premise that the ruling class has a special capacity for supreme impartiality or public-mindedness (GONG) that enables them to free themselves from the influence of their own personal preferences and interests (SI) and decide everything in the interest of the public good (GONG). In reality, Huang and Liang argue, the ruling class acts selfish and simply redefines their own personal interests (SI) as representing the public good (GONG). Xue Fucheng, Wang Kangnian, Mai Menghua, Xu Xiangshu and the writer duo Ho Kai and Hu Liyuan examine the nature of the relationship of GONG and SI to conclude that some institutional arrangements realized in companies and states such as joint stock companies with an elected board of directors and parliaments with elected representatives are able to convert the sum of personal interests (SI) of their stakeholders into public good (GONG).

Huang Zongxi's essay "On the ruler" 原君, a polemic against imperial rule in post-classical times, opens the chapter on Minzheng 民政 (lit. "people government") in the HCJSWXB/MAI.¹ Huang Zongxi completed the Ming yi daifang lu from which the essay is drawn in 1662. The book was subsequently banned under the Qianlong emperor, which did not prevent it from being reprinted and circulating privately.² The Minzheng chapter discusses the place of the people in government and the state's role in the national economy, discussing different forms of government and the people's participation in government and economy. In the essay, Huang Zongxi rejects the idea that the post-classical emperors were blessed with the ability of perfect "public-mindedness" (GONG) which legitimized their autocratic powers and enabled them to rule the empire to the maximized benefit of all. He accuses the rulers of subsequent dynasties of redefining their own private interest (SI) as the public interest (GONG).

The ideal of perfect impartiality or public-mindedness (GONG) places high demands on the ruler, that the rulers of imperial times were not able or willing to fulfill, Huang says. Perfect public-mindedness requires a readiness for altruism. The legendary sage rulers were men who worked harder than everyone else and enjoyed less of the fruits of their labor than anyone else. In the mists of time, Huang says, each man was interested in his own personal advantage (SI). Nobody engaged in affairs that would have been of common (GONG) benefit. Also, nobody engaged in affairs that would have prevented common (GONG) harm. This went on until the mists lifted and some men came who neglected their own personal (SI) benefit (LI) and worked for the general benefit of all. They also neglected their own personal (SI) harm (hai) and worked to rid the world of general causes of harm. These men made greater efforts than

¹HCJSWXINB/MAI, 18A:1a-b

²Zhou (1996), p. 385.

anyone else without being able to personally enjoy the benefits of their work. It is not something that men are naturally ready to do, including the men of antiquity. The people in antiquity were just as fond of leisure and averse to effort as people today. This is evidenced by the fact that many ancient rulers, including those who became legendary heroes, initially refused to become ruler (Yu) or retired from the post of ruler early (Yao and Shun).

Later rulers are not known for a similar reluctance because they did not take the ideal of perfect public-mindedness serious. Their actions were diametrically opposed to the ideal example set by the sage rulers. They were only posthumously redefined in a cosmological-moral language as examples of perfect virtue by the rulers or “petty scholars” 小儒. With his contrasting of ancient and later rulers, Huang Zongxi creates a subversive account of imperial history. Realizing that by virtue of their position they wielded “the power over benefit (li) and harm (hai)” 天下利害之權, later rulers found it appropriate to reap all benefit for themselves and burden the rest of the world with the harm. They told the rest of the world not to act selfish (si) and work for their own benefit, while they redefined their own personal interest (si) as equivalent with the public good (GONG). They regarded the world as their private property from which they strove to reap as much profit as possible and then pass it on to their descendants. Instead of regarding themselves as guests of the rest of the world, and committing their energies to work for the benefit of the world, they regarded themselves as hosts of the rest of the world, and worked only for their own benefit, says Huang. The rulers were the actual source of harm and discord in the world. Before they conquered the imperial throne, they killed people and destroyed families and naturally called it “establishing an empire for their descendants” 為子孫創業. After they had conquered the imperial throne, they killed people and destroyed families to increase their own pleasure and comfort and called it “natural benefits of a blooming empire” 產業之花息 as a matter of course. The people ruled by the ancient sage rulers called them “father-like” and “heaven-like” 如父如天 on their own accounts. These became “empty names” 空名 only used by rulers themselves to designate themselves, while the people called the rulers “tyrants” 獨夫. Those who still feel a natural duty to serve this kind of rulers are mindless “petty scholars” 小儒, says Huang.

Liang Qichao regards the autocratic rule of the post-Qin emperors as rooted in fundamental selfishness (si), while he presents the benevolent rule of the pre-Qin sage emperors as rooted in public-mindedness (GONG).¹ Coming from a self-interested standpoint, the post-Qin rulers were first and foremost focused on “preventing abuse” (fangbi 防弊), that is, preventing actions that could potentially lead to a loss of power and maintaining the status quo. A ruling style that focuses on “preventing abuse” manifests in depriving people of their autonomy (zizhu 自主) and is rooted in selfishness (si). The pre-Qin rulers focus was on “getting things accomplished” (wu zhishi), that is, actively taking care of the people, and was rooted in the pre-Qin rulers public-mindedness (GONG). Liang’s account of the post-classical empire as focused on “preventing abuse” and fundamentally self-interested is typical of a

¹HCJSWSANB/CHEN, 21:3b–5b; HCJSWXINB/MAI, 1C:1a–2a; HCJSWBWJ/QSZ, 25:1a–2a.

popular tendency among the late Qing reformers “to dismiss China’s entire post-Qin history as a kind of wrong turn, a two-thousand-year detour”. Zarrow (2000) points out that this going beyond the conventional rejection of tyrannical Qin-rule meant an attack of dynastic kingship itself and also of ‘imperial Confucianism as it had developed over the centuries.’¹

Liang Qichao’s equating monarchy with selfishness (SI) and democracy with public-mindedness (GONG) did not mean that Liang Qichao regarded GONG and SI as a dichotomy in general. The selfishness (SI) Liang Qichao refers to in this essay is the selfishness (SI) of the rulers, not the self-interest (SI) of common people that is constitutive of the public interest (GONG).

“In equating the monarchy with selfishness, Liang was not saying that selfishness was entirely wrong but rather that private interests had no place in the public realm. As well as signifying selfishness, si referred to the entire realm of the self and the private, a realm Liang also wanted to strengthen. Liang criticized a strand of traditional Confucian thought that emphasized the moral value of self-control or ‘self-suppression’ (keji), and he noted that selfishness was, after all, natural. He thus urged that a balance be struck between gong and si.”²

Liang Qichao describes the general attitudes of “getting things accomplished” and “preventing abuse” with the following words.

“The former (pre-Qin) kings were public-minded (GONG) about the realm and therefore committed to getting things accomplished. Later (post-Qin) rulers were self-interested (SI) towards the realm and therefore committed to preventing abuse. Although being committed to getting things accomplished does not preclude that minor defects or abuses can arise, the benefit (LI) achieved is great enough to make up for it. If the government is obsessed with preventing abuse, a hundred defects or abuses will arise before one defect or abuses has been prevented, like a leaking roof that leaks more the more one tries to repair it, or a threadbare quilt that gets worse the more one tries to mend it. When being committed to getting things accomplished, there will be order when the right men (REN) can be put in charge, and chaos if the wrong men (REN) are put in charge. When obsessed with preventing abuse, abuses will become more frequent when the wrong men (REN) are put in charge, but if the right men (REN) are put in charge, public affairs will also not be properly administered.”

先王之為天下也公。故務治事。後世之為天下也私。故務防弊。務治事者。雖不免小弊。而利之所存。恆足以相掩。務防弊者。一弊未弭。百弊已起。如葺漏屋。愈葺愈漏。如補破衲。愈補愈破。務治事者。用得其人則治。不得其人則亂。務防弊者。用不得其人而弊滋多。即用得其人。而事亦不治。

¹Zarrow (2012), p. 65.

²Zarrow (2012), p. 65.

Liang describes the historical consequences of the focus on “preventing abuse” at length and in detail and contrasts it with the ancient arrangements under the sage rulers just to show how, in the end, each dynasty’s “preventing of abuse” proved self-defeating. Liang starts with the Qin dynasty, when prohibitions and censorship became so complex as to render common people and officials apathetic, while bandits could not be brought under control. Liang continues with another ten examples of self-defeating measures introduced in imperial times that removed the empire farther and farther from the ideal institutional setup of the sage rulers. In the first example, Liang points out that some time after the Wei dynasty, ministries were assigned multiple leading officials “out of fear” that if an agency was headed by one official this official would become too powerful. This broke with the ancient model of concentrating and clearly demarcating responsibilities in order to render evaluation easy. None of the leading officials had real power, just as none of them had real responsibility, so that administrative tasks were not performed properly.

Liang ends up identifying nearly each weak point in the imperial bureaucracy as a departure from the institutional setup of the sage rulers introduced to “prevent abuse”. According to Liang, these departures not only lead to the slow deconstruction of the heritage of the sage rulers, but also prevent the introduction of institutional innovations. This means to take everyone’s powers and give them to one person, which is the definition of selfishness (SI). It stands in contradiction to a theory in the West which states that every man has a certain kind of powers called *zizhu zhi quan* 自主之權 (“individual rights” or “right to self-determination”). These *zizhu zhi quan* imply that everyone has to accomplish certain tasks, and is then entitled to enjoy certain benefits. This theory is perfectly public-minded (GONG), says Liang.

The obsession with “preventing abuse” is the result of selfishness (*zisi* 自私), emphasizes Liang. It justifies conferring all power to the ruler (*zhirenzhe* 治人者) and leave the governed (*shouzhizhe* 受治者) without any power. Conferring all power to one person can never be rational, Liang argues. If the entitlement to enjoy benefits is conditional on the accomplishment of tasks, then one could argue that a ruler who accomplishes all tasks in the world should also be entitled to enjoy all benefits in the world. But no ruler is so omnipotent as to manage everything. The sage rulers knew this and therefore highlighted the importance of reciprocity (*jieju zhi dao* 矩之道) and public-mindedness (GONG). They also pointed out that “the greatest problem is not that there is not enough, but to that it is unequally distributed” 不患寡而患不均. Liang connects these orientations with a theory of appropriately distributed powers. Just like the world consists of the accumulation of people, a state consists of the accumulation of power. The power in a state can be in one of three states: perfect balance of power, imperfect balance of power and complete imbalance of power. In a state of perfect balance of power, every person in the state exercises his established powers (*guyou zhi quan* 固有之權). In a state of imperfect balance of power, some people have powers, while some people are stripped of their powers. In a state of complete imbalance of power, it is unclear who has the power. This last state results when one man seizes the powers of many but finds that the related tasks are so great and complex that he cannot accom-

plish them all. The powers will then devolve and be lost because it is hard to restore the original balance. “Preventing abuse” starts with a struggle for power (zheng quan 爭權) but runs the risk of resulting in a complete absence of powers because it makes it necessary to cede powers (rang quan 讓權). The emperor cedes the power to discuss the course of politics to his ministers. After the results of the ministers’ debates have been approved, the power to execute the decisions is ceded to the provincial high officials, who cede it to their assistant officials, who cede it to the magistrates, who cede to their functionaries. This long, partly formal, partly informal chain of delegation of power does not result in effective administration, argues Liang. In the end, “extreme self-interest” 私之極 leads to a state of absence of a clear command structure where nothing gets accomplished.

In the context of an exposition of his ideas on commercial policies, Xue Fucheng 薛福成 (1838–1894) formulates a connection between public good (GONG) and self interest (SI) that clearly seems influenced by Adam Smith’s economic insights about rational self-interest.¹ Xue advocates to enable and encourage more participation of private business men in commercial steamship transport in order to generate the momentum necessary to quickly break the foreign dominance of the sector. Self-interest (SI) motivates people to plan ahead and provides them with the activation energy to undertake upfront efforts.

“It is a natural principle that endeavors are most difficult in the beginning. It lies in the human condition that men are most committed when pursuing their private interests (SI).”

夫事之難于謀始者。理也。而人之篤于私計者。情也。

Xue evokes the image of a busy market street with merchants advertising discounts and clients readily spending their money as illustration of how the actions of individuals driven by self-interest result in something that can be called the public good.

“As all these men desire to satisfy their private interests (SI), they do not inflict losses to the public (GONG) budget, but eventually greatly benefit (LI) the public (GONG) budget.”

惟人人欲濟其私。則無損公家之帑項。而終為公家之大利。

While Xue Fucheng reconciles GONG and SI in the economic context, Wang Kangnian 汪康年 (1860–1911) reconciles the polarity on a more general level. Wang discusses the relationship of GONG and SI by breaking them down to the concepts of “for the good of others” (wei ren 為人) and “for one’s own good” (wei ji 為己).² GONG and SI are persistent terms in people’s speech and writing, and as persistent is the outlook that regards SI as extreme egoism, says Wang. While GONG is generally regarded as an inclination to act “for the good of others, too” 兼為人, SI is conceived as the inclination to act “exclusively for the good of oneself” 專為己.

¹HCJSWSANB/CHEN, 29:5b–6a.

²HCJSWSANB/CHEN, 19:32b–33a.

“Men have always been used to speaking about public-mindedness (GONG) and self-interest (SI). Something is public-minded (GONG) if it is done for others as well. Something is self-interested (SI) if it is done exclusively for oneself. It leads states to division, alienation and imminent downfall. This is why we currently have the theory that one should do everything exclusively for others. Those who propagate it try to move people with talk of realizing humaneness (ren) and choosing righteousness (yi) and warn people that you reap what you sow. But still, they do not succeed in moving people. Just like men do not have two separate bodies, doing things for others and doing things for oneself are not two separate things.”

人有恆言。曰公曰私。曰公則兼為人。私則專為己。則必將分散離絕而國幾於亡。於是世有專以為人之說。勸人者。以成仁取義之說動之。以因果報應之理勸之。噫。是雖畢殫其說。而人終不為之動也。夫人之非有二體也。為人為己非有二事也。

It is a mistake, however, to construct a dichotomy between “for others” and “for oneself” by defining si as extreme egoism (“exclusively for the good of oneself”) and creating the ideal of extreme altruism as its counterpart. Because egoist attitudes have detrimental consequences for state and society, people were instructed to practice selfless altruism, in order to prevent them from becoming egoists. This strategy proved useless in the long run, but it is also unnecessary in the first place because the dichotomy of altruism and egoism is an unreasonable reduction of reality. People do not have to be turned into selfless altruists in order to make them act “for the good of others, too”.

Wang Kangnian presents a number of examples to argue that people need simply be made to follow their common sense in order to be turned into individuals who act to the benefit of others. In their essence the examples all either follow the straightforward insight that people in the same boat should row together, that an economic strategy should be sustainable in the long term, or the logic of secular retributive justice (yinguo baoying 因果報應), that teaches people that a man reaps as he sows (shishou xunhuan 施受循環). If people who live in the same building do not care about the room of one of the inhabitants collapsing, says Wang, they will soon have their own room collapsing, too. If a fire breaks out in the south of a neighborhood and the people from the north of the neighborhood do not rush to their aid in extinguishing the fire, their homes will soon be burning, too. If bandits invade the south of a city and the residents in the north do not rush to their defense, the bandits will soon be looting their homes, too. If a volcano breaks out in the East of a country, the people in the West will be affected by the earth quakes induced.

If one person in the village accumulates the property of all others at a low price, he will soon have nobody to socialize with because there are no rich households left. If someone establishes a shop in town, and then strategically drives all other shops into ruin, then the town will quickly have no big shops left, which will adversely affect the economic health of the place and thereby drive his own shop into ruin,

too. An official who uses his power to bully people in his home town will invite later officials to imitate his behavior which will afflict his own descendants. Similarly, if someone bullies other people, than nobody will mind if his children get bullied. If someone does not to rush to the help of others in an emergency, then nobody will mind if others refuse to rush to help if his children are caught in an emergency. On the other hand, a public-minded rich man who founds a local school raises the general level of education and ensures that his children and grandchildren will also receive a good education. Sometimes, people also achieve something to the benefit of others while they were just thinking of their own advantage. For example, somebody may catch a robber in order not to be robbed will be praised for his service to the general public while he was just thinking he was saving himself some trouble.

The common denominator of all the behaviors reported in the examples of people getting adversely affected through their egoistic pursuit of their own good is that “they all distanced themselves from the others without recognizing that they themselves and the others were inseparably interconnected” 是皆離己於人而不知人已之相連屬也. The people should heed the words of the sages who regarded the world (tianxia 天下) as one family, and the state as one person. The behavior in the above cited examples seems as irrational as if a left hand would rejoice in being unharmed after the right hand got injured, or a person whose brother got beaten up rejoices that it was not him being hurt. With the awareness of the multifarious interconnectedness of people in the world and with this idea of solidarity among the parts of a body and among the members of a family in mind, people can proceed to feel regional and national solidarity. If people are made to overcome from the inclination of just acting “for their own good”, they are definitely able to “think about the affairs of the world with a mind that has become public-minded” 固能公其心以思天下之事.

Mai Menghua regards the compatibility of the pursuit of self-interest (si) and the public good (GONG), and the commitment that people display when they are pursuing their own personal interest as the basis of the success of associations (hui 會).¹ The synergies that people develop when they join to form associations are the basis of a nation’s strength. The people’s self-rule (zizhi 自治) is the foundation of national strength. The precondition of full-fledged self-rule is a level of education that the Chinese people has not yet attained. But the Chinese can start right away to practice self-rule on a small scale by forming associations in the areas of commerce, industry and science. Here, the people’s natural inclination to pursue their own personal benefit comes in handy, and it also comes in handy that associations act as a powerful means to turn the pursuit of private ends into public good, and, in the end, as a means to increase China’s national wealth and power.

It is right that the people should be granted more powers. However, parliaments are not the way to realize this in China at the present moment. The majority of the Chinese people are uneducated and undisciplined, they cannot meaningfully participate in an institution such as a parliament. Still, “restoring the people’s powers” 復民權 is necessary in order to strengthen China. The people should be in

¹HCJSWXINB/MAI, 18A:11a-15a

charge of all affairs that they are capable to manage because they are similar to their day to day activities. The crucial point is to give people a stake in the affairs they are managing so that they manage them with the same enthusiasm as they would manage their own family business. This principle is realized in the West, which is the reason for the Western nations' wealth and power. People join together in associations of all types to jointly manage affairs. The strength of the West in different areas lies in its associations in these areas. The reason why there are Western missionaries missionizing and geographers surveying in all corners of the world, and why Western merchants can cause so much trouble China and India is that they are backed by powerful associations in their home countries. Mai points out a few examples. The sciences progress through associations which channel intellectual efforts. Technology progresses through associations which can acquire devices and instruments that single engineers could not afford. Trade progresses through associations which can assemble capital for ventures that a single merchant could never fund. Mai highlights how this differs from the conventional idea of having a few outstanding heroic leaders do great work: associations can achieve things that a few heroic leaders cannot achieve on their whole lifetime.

“The desire of men in the West to satisfy the particular interests (SI) of their state and the private (SI) their family is just as strong as it is in China. But how they proceed to realize this desire is different from us. To satisfy the particular interests (SI) of the state, it is necessary to make its affairs a public (GONG) affair of the people. To satisfy the private interests of the family, it is necessary to make its affairs a public (GONG) affair of the masses. There is no private interest (SI) in the world that cannot be pursued when it is harmonized with the public good (GONG).”

故西人之欲私其國。欲私其家。與我同。而所以私其國家者與我異。欲私其國。必公其事於民。欲私其家。必公其事於眾。天下固未有不合公而可以遂私者也。

Xu Xiangshu advocates the establishment of parliaments in the context of a constitutional monarchy in an essay entitled “Which are the benefits and disadvantages of parliaments?” 議院利害若何論.¹ Xu briefly describes the evolution of popular assemblies in the West and sketches suggestions on how to transfer the idea into the institutional landscape of the Chinese state.

Xu states that there are monarchies, democracies and constitutional monarchies in the West. In monarchies, the monarch wields all power and the parliaments cannot suggest anything on their own initiative. The disadvantage are dictatorial and arbitrary decisions. Russia and Germany are examples of monarchies. In democracies, all powers are in the hands of the members of parliament. The disadvantage is the lack of a monarch. US-America and France are examples of democracies. Great Britain is a constitutional monarchy. If the monarch approves of something and the people (parliament) objects it, the monarch cannot enforce it dictatorially. IF the people (parliament) approves of something and

¹ HCJSWSANB/CHEN, 18:8a–9a.

the monarch objects, the people (parliament) cannot enforce it dictatorially. This is the perfect model in which the motives of the monarch can be known by the people and the people's wishes can be known by the monarch.

China has manifold problems: absence of a means to concentrate financial resources at the center, absence of a means to change detrimental policies, absence of a means to reform penal law, absence of a means to lift people out of poverty, absence of a means to assert China's authority internationally, absence of a means to make sure good candidates can be recruited for the civil service, absence of a means to ensure that bad civil servants are demoted. These problems are not attributable to the lack of ability and virtue of the emperor and his ministers. These problems all result in the lack of such a mechanism for exchange of information between the ruler and the people. Therefore, China must establish parliaments if it does not want to perish. The parliament can develop plans for the development of mining, agriculture and industry, in order to tap unused potentials in these areas. The need for parliamentary approval of the budget for military and construction projects will make fiscal management more effective and reduce the need for levying problematic commercial taxes. With a parliament established, abuses such as the arbitrary use of torture by magistrates and excesses in the levying of the commercial tax can be reported and steps can be taken to prevent them. The establishment of a parliament will also likely propel the reform of the judicial system with legal professionals and due process. Parliament can effect a renegotiation of the unequal treaties and will prevent that future treaties can ever be of such unequal nature again. This will remove the disadvantages of Chinese merchants compared with merchants from Western nations. The members of parliament can contribute to the prevention of corruption in the upper ranks of the military, and loss of discipline in the lower ranks by exposing and investigating related cases. Parliament should debate and select the candidates for the highest positions in the civil service, that is the grand secretaries, the high officials of the six boards, the Zongli Yamen and the marine, the governors-general, governors, provincial and regional military commanders and diplomatic envoys. This will ensure that able candidates can be promoted and incompetent can be released of their duties.

In the last part of the essay, Xu indicates various groups who are likely to oppose the establishment of parliaments out of ignorance or because of fear for infringement of their vested interests. The above cited benefits should be enough reason to favor the establishment of parliaments. However, even in reform-friendly Meiji Japan, the establishment of an elected parliament was met with the most resistance of all reform measures. In China, where opposition to reform is greater and conservative sentiment demands that everything follow established precedents, opposition will be even greater. The high officials in the central government will oppose parliaments because the focus on competence instead of seniority in the appointment of high officials jeopardizes their vested interests. The high officials in the provinces and the lower officials will oppose parliaments because the disciplinary and budgetary control emanating from parliament jeopardizes their vested interests. Officials at the district level will oppose parliaments out of fear of new things.

The common people will oppose parliaments citing the argument that they are not compatible with

the customs and manners of the Chinese people (minfeng shisu 民風士俗). In the West, most people are able to make decisions based on the bigger picture. In China, people only care about themselves and their immediate family, and not about others and the state. With parliaments in place, these selfish sentiments will take control of the bureaucracy and of public affairs. There are no “perfect institutions (FA)” 無弊之法, therefore China needs “perfect men (REN)” 無弊之人 to take care of government. Xiang employs the GONG-SI polarity to defend idea of the institution of parliaments against this argument. He argues that it does not matter of the mass whether the people is focused on their personal interest and because parliaments are a mechanism for distilling the public interest (GONG) from private interests (SI).

“The Western nations established parliaments to combine the petty private interests (SI) of many into one greater public good (GONG). If the people want something, it must be because it is benefits (LI) them personally. If one man wants it, it is private interest (SI). If all men want it, it is the public good (GONG). If the people detest something, it must be because it harms (hai) them. If one man detests it, it is private interest (SI). If all men detest it, it is the public good (GONG). Sometimes opinions do not harmonize (at once) and different men represent different positions. In this case, controversial debate is possible, that prevents that distorted views do not triumph over straightforward ones and wrong does not triumph over right.”

泰西之設議院亦合眾小私。成一大公也。知一事也而民欲之。必其利己者也。然一人欲之。則為私。人人欲之。則為公矣。一政也而民惡之必其害己者也。然一人惡之。則為私。眾人惡之。即為公矣。即有時眾議意見不合。各執一是。亦可互相辨駁。使曲不勝直。非不敵是。

The Remarks after reading the Exhortation to Study 勸學篇書後 (1900) by Ho Kai 何啟 (1859–1914) and Hu Liyuan 胡禮垣 (1847–1916) are a polemic refutation of Zhang Zhidong’s Exhortation to Study 勸學篇 (1898). In the treatise, Ho and Hu declare the difference between their 1895 treatise Discussion of new policies 新政論議 and Zhang’s essay, that discusses the same themes, to consist of “a difference in terms of GONG and particularity SI” 夫異同之分仍以公私而別. Their definition of GONG and SI as characteristics of speech and writing touches both upon public good and private interest as well as on the related ideas of a impartial and universal perspective and a partial and particulate perspective. In the prologue of the Remarks after reading the Exhortation to Study, the authors expound:

“There are GONG and SI statements in the world. What are GONG statements? They are statements uttered by one man, which all men in the world can agree to. What are SI statements? They are statements uttered by one man, which no men in the world can agree to. It is alright and possible to translate GONG statements into action, and when they are translated into action, they result in benefit (LI). It is not alright or impossible to translate SI statements into action, and when they are translated into action, they result in harm (hai).

GONG statements must be most balanced in their reasoning, based in human feeling, they must be smooth to implement and their observations must be perfectly impartial. The opposite is true of SI statements.

天下之言。有公言焉。有私言焉。公言者何。一人言之。天下之人。皆以為然者是也。私言者何。一人言之。天下之人。皆以為不然者是也。公言者。可行能行。而行之必見其利。私言者。不可行。不能行。而行之必見其害。蓋公言者。理必出以至平。情必求以至近。道必行乎至順。量必極乎至公。而私言者反是故也。

GONG statements are universally acceptable principles, while SI statements are unacceptable particulate opinions.

In the their refutation of Zhang's chapter on the Three Bonds (Ming gang pian 明綱篇), the authors present the Three Bonds, that serve contemporary conservatives as rhetorical foundation for rejecting the civil rights and equality of women, as an ill-conceived reinterpretation of the five relationships that lacks any basis in the classics. According to the authors, the three bonds are an artificial distortion of the natural Five Relationships. Demanding unconditional obedience of the minister towards the ruler, the son towards the father and the wife towards the husband makes no sense. If the ruler is a good ruler, the minister will naturally follow what the ruler says, as would the son and wife if the father is a good father and the husband is a good husband. If the opposite is the case, then they would be ill-advised to obey.

The dissemination of the idea of the three bonds is the cause of moral degeneration, not a remedy against it. The three bonds do not only demand unconditional obedience, they also allow a ruler to kill his minister without punishment, a father to kill his son without punishment, and a husband to kill his wife without punishment. The climate of brutality this creates is the reason why China has many cases ministers killing their rulers, sons killing their fathers and wives killing their husbands.

The Five Relationships are a natural hierarchy. Because they are based on natural conditions, and they are impartial (GONG). The Three Bonds are based on differences in power. Because they are determined by people, they are partial (SI). If a rationale is impartial (GONG), it is stable. If it is partial (SI), it is unstable. An unstable rationale is based on the current balance of power (shi 勢), which inevitably changes with the time. A ruler, a father and a husband may be able to bully their minister, son and wife as long as they can cling to their power. But as soon as the minister, the son or the wife get the power, they can bully their ruler, father or husband.

In the refutation of Zhang's chapter on "Being aware of differences" 知類篇, impartial (GONG) and partial (SI) acquire the meaning of a universalist and particularist attitude. The authors write that Zhang Zhidong's demand to "know one's kind" or "race" (zhilei 知類) contradicts the quintessence of the insights of Fuxi, King Wen of Zhou, the Duke of Zhou and Confucius, that are evidenced in the tongren 同人 hexagram Book of Changes and its commentary layers. The authors explain the essence of the hexagram as an appeal to "overcome the particulate (SI) and concentrate on the universal (GONG)" 去私而

言公.

“The commentaries of the hexagram indicate that regarding other men as different arises from a particulate attitude (SI). If I have a particulate attitude and there is a man I do not know, I will not regard him as my equal. If another man has a particulate attitude and he does not know me, he will not regard me as his equal. A superior man (junzi 君子), though, will overcome the particulate (SI) and concentrate on the universal (GONG).”

言人之所以不同者私故耳。吾有私而人不我知。則人不我同。人有私而我不人知。則我不人同。唯君子去私而言公。則天下之志可得而通也。

The message of the hexagram is that all categorizations of peoples and persons are just a means “to separate the universal (GONG) from the particular (SI)” 為分別公私而言.

“The expression ‘to categorize peoples and distinguish things’ is just meant to create a basis for telling the universal from the particular. It means to see the commonalities in the difference. Loyalty has many expressions, but the underlying attitude is always the same. Filial piety has many expressions, but the underlying attitude is always the same.”

其言以類族辨物者。為分別公私而言。謂審不同以致其同耳。忠之事容有不同。而其志則一也。孝之事容有不同。而其志亦一也。

Already the title of Zhang’s chapter, “Being aware of differences”, is inadequate, write Ho and Hu, as well as the use of “absurd interpretations” 謬解 by Cheng Yi and Zhuxi. They criticize Zhang for “going after that which is different from a particularist standpoint (SI), instead of going after that which is alike from a universalist standpoint (GONG) and regarding everyone as a fellow human” 不求其公之同。而一視同人。但求其私之異而嚴分畛域. Zhang Zhidong ignores “universal principles accepted all over the world” 天下之公言 and gives ample room to the “particularist opinions (SI) of ordinary men” 常人之私, which is inappropriate in an exhortation to learning written for scholars. If he had understood the classics Zhang would be teaching what Confucius had taught, namely that there are no differences among men. This is the message needed in today’s world where people’s fight against other because they consider themselves as belonging to different nations or races.

In the chapter on “Legitimate power” 正權篇, Zhang Zhidong argues against civil rights, saying that they remove the authority that is necessary to maintain the order and function of human society. Any busy market needs a supervisor, and even a gang of bandits needs a leader. If all men were free or self-determined (zizhu 自主), every family and every region would concentrate only on the particular interests (SI) of its members. Scholars would idle their days away, peasants would refuse to pay taxes, merchants would try to maximize their profits by any means, craftsmen would demand exorbitant wages, and the poor and unemployed would engage in looting and robbing. Sons would stop to obey their fathers, students would stop refuse to obey their teachers, wives would stop to obey their husbands, the socially inferior would stop to subordinate themselves to the socially superior. All this would lead to

a world in which the “law of the jungle” (ruorou qianshi 弱肉強食) rules and eventually lead to the extinction of humankind.

The authors refute Zhang Zhidong’s arguments one by one. They argue that there is no place in the world in which the social-Darwinistic conditions of the kind Zhang describes prevail. Equal rights (pingquan 平權) are not the antithesis of acceptance of authority but the precondition for accepting the authority of someone on the grounds that he “excels the others” 差勝羣眾, the authors argue. The inclination of a family or a village to put the private interests (SI) of its members first, is the foundation for the functioning of parliamentary assemblies. Parliaments transform the particular interests (SI) of the family to those the region, then to those of a whole nation, and finally those of all human kind. In the process, the personal interests do not completely dissolve into thin air and they are not regarded as generally taboo. The universal brotherhood of men may be a distant goal, but for now, it is better to let families, regions and nations focus on the private interests of their members (SI). And each man should in principle be free to pursue his personal interest (SI). But because each man has different private interests, it follows that each man will likely not be able to completely fulfill his own private interest. The goal should therefore be to combine the personal interests of everyone into a collective private interest in a way that everybody can fulfill that part of his private interests that does not conflict with the private interests of others. This collective private interest should not be called “private interest” (SI) anymore, but should be called “public good” (GONG) instead.

“It is accordingly also best to let each man be concerned about his private interest (SI). But every man can see that the private interests of all are not completely compatible, but also that his own private interest will not be completely ignored. If the private interests are combined in this way, everyone gets his private interest, and the world is in order. If everyone gets his private interest, we should also stop calling it private interest (SI) and call it public good (GONG).

人亦不妨私其人。但能知人之私之未能一。知己之私之未盡蠲。如此則合人人之私以為私。於是各得其私。而天下亦治矣。各得其私者。不得復以私名之也。謂之公焉可也。

The private interest of merchants may be to maximize their profits and the private interest of craftsmen may be to demand high wages. But the claim that that scholars’ private interest consists of idling their days away, that the peasants’ private interest is evade taxes and that the poors’ private interest is looting other people’s property is deceptive. If all of these groups can fulfill his legitimate private interests, they will not infringe upon other people’s private interests to enforce it, and nobody will infringe upon their private interest in order to enforce his own private interest. There are cases of mutual benefit where having private interests are better than having none. For example, when merchants bring goods from other places in their own private interest to maximize their profit, the private interests of other people are also

fulfilled in the process because customers can purchase goods and new business opportunities may be created.

Following up on the explanations in the refutation of the *Ming gang pian*, Ho and Hu argue that blind obedience in terms of the three bonds is not a precondition for social order but rather for its perversion. It rests on the incorrect assumption that power and authority must emanate from those with higher social status. In reality, power and authority must emanate from those who accord with “feeling and reason” (*qingli* 情理). If this person happen to be one’s father, one should follow him. If it happens to be one’s son, then one should follow him. The same rules for teacher and student, husband and wife, people of superior and inferior status, and the strong and weak. If someone, on the other hand, is at odds with “feeling and reason”, then one should not follow this person even if it is one’s father, teacher, husband, ruler or any person in a higher position than oneself at all: “the reason for obedience or disobedience and the impetus to follow or not should result from considerations of feeling and reason only, but certainly not social status” 順逆之故向背之機。惟情理是視焉耳。奚能以尊卑貴賤為哉。

4.4 LI and YI

It is especially the compendia of the New Policy period that contain texts concerned with the relationship between LI and YI. Without exception, the writings insist that the conception of LI and YI as dichotomy is a delusion and results from a misreading of the text of the Mencius at best. Authors take it for granted that there is righteous benefit that reconciles righteousness (YI), that is necessary as condition for long-term benefit, and benefit (LI), that is necessary as an incentive for action. It is defined as not doing harm to others or even benefiting them. The authors are ever more explicit that the individual engaging in beneficial action must be allowed to benefit himself. The Five Relationships are presented as an example of such collective or mutual benefit. In the context of the discussion of Huxley's critique of Social Darwinism, Yan Fu states that there is "enlightened self-preservation" that is based on mutual benefit and therefore represents the balance of righteousness and benefit.

An essay by an anonymous author from the HCJSWSIB/HE repeats the point that positing a dichotomy between benefit (LI) and righteousness (YI) is a misreading of Mencius and Dong Zhongshu. An author in the HCJSWTB/SHAO similarly insists that the construction of the taboo is a misreading of Mencius, and that benefit (LI) is indispensable in providing incentives for actions and efforts. All other essays discussed set out to define the distinctions between legitimate benefit (LI), that is congruent with righteousness (YI), and illegitimate profit (LI), that is at odds with righteousness (YI). Two authors in the HCJSWTB/SHAO operate with "benefit within the bounds of righteousness" (YI zhong zhi LI) and "benefit outside the bounds of righteousness" (YI wai zhi LI). The first author defines YI zhong zhi LI as publicly shared benefit and YI wai zhi LI as privately monopolized benefit. The second author declares rightful enjoyment of remunerations for one's labor as YI zhong zhi LI. Yan Fu posits that the principle of mutual benefit, that is also distinctive of "enlightened self-preservation", is a crucial characteristic of righteous benefit. Chen Ciliang, finally, argues that benefit that is impartially distributed and conducive to the public good is in accordance with righteousness, and that the establishment of mining enterprises is accordingly a righteous endeavor.

The author of an essay entitled "Wealth and moral education are combined in the countries of the West" 西國富教合為一事說 states that the view that scholars should only speak of benevolence (ren 仁) and righteousness (YI) and not speak of profit (LI) has no basis in the classics.¹ The Book of Changes contains numerous passages about benefit (LI), in particular the text of the first hexagram (qian) that Confucius emphasized as especially important. The Great Learning goes into great detail about ways of generating revenue (shengcai zhi dao 生財之道). The statements in the Mencius about enriching poor farmers by teaching them ploughing methods and lowering taxes, and about regulating people's eating and spending habits to create an ample surplus show that Mencius was concerned about benefit (LI), too. His remarks directed at King Liang have to be understood in their historical context, as expe-

¹HCJSWSIB/HE, 47:2a-b

dient exhortations. They should not be regarded as universally valid models for action (dian 典). Dong Zhongshu's statement that one should "be just rather than plan for benefits (LI) and strive to understand moral principles rather than being concerned with merits" 正其誼不謀其利明其道不計其功 was similarly distorted by later scholars. What Dong Zhongshu had meant to say was just that one should fulfill one's duties and not be exclusively occupied with making profits. Later scholars were lead to the erroneous belief that they should ban the word benefit (LI) from their speech and writing and solely concentrate on benevolence and righteousness (YI). They concentrated on regarding righteousness (YI) as benefit (LI) and on seeing profit as detrimental to benevolence and righteousness, and blocked out that perfect profit implies benevolence and righteousness.

The HCJSWTB/SHAO contains three short pieces specially dedicated to discussing the false dichotomy of LI and YI. All three stress the compatibility of LI and YI. The first of the three short pieces, entitled "Discussion of public benefit" 公利說, confirms the ambiguity of the term LI that has at once a neutral or positive and a negative connotation: "The great necessity on earth is called benefit (LI). The great harm on earth is also called benefit (LI)" 天下之大要曰利; 天下之大害亦曰利.¹ The essay further states that the treatment of LI as taboo originated the account of Mencius' reprimanding King Liang for "speaking of profit (LI)" 曰利. That this passage was misinterpreted and rose to the status of a model for action lead later statesmen to avoid engaging in the active maximization of public benefit. The statesmen of antiquity had never avoided the term LI for good reason: nothing works if there is no incentive. LI has to function as incentive after which the realization of benevolence and righteousness can follow. This is true for all areas of administration, for education and even for the Five Relationships, the mutual obligations between father and son, ruler and minister, elder and younger brother, husband and wife and between friends, that all internally rest on the principle of mutual benefit.

"Everything necessarily arises from benefit (LI). Virtue, benevolence and righteousness (YI) follow from its and are enabled by it. Military, agriculture, rites and music cannot function without benefit (LI) as incentive. Instruction and rectification of customs cannot succeed if there is no benefit (LI) as incentive. [...] All Five Relationships rely on benefit (LI) for internal cohesion and external support."

且必先興乎利。而後道德仁義。可得而施是。故兵農禮樂。非利不行。教訓正俗。非利不成。[...] 五倫之內。無一不恃乎利。以隱為固結。顯為維持。

The anonymous essay "On profit" 說利 states that there are two kinds of profit, one kind that is "within the bounds of righteousness (YI)" (yi zhong zhi li 義中之利) and one that is outside its bounds (yi wai zhi li 義外之利).²

¹HCJSWTB/SHAO, 107:14a-b

²HCJSWTB/SHAO, 106:2a-b

“Scholars have denounced the pursuit of benefit (LI) since Zhu Xi said that one should ‘follow righteousness and not pursue for benefit (LI)’¹. Why should pursuing benefit (LI) actually be denounced? There is benefit (LI) outside the bounds of righteousness (YI), and benefit (LI) inside the bounds of righteousness (LI). When is benefit (LI) inside the bounds of righteousness (YI)? When the benefit (LI) is shared with the general public (GONG, here: other people, everyone) and therefore accords with righteousness (YI). When is benefit (LI) outside the bounds of righteousness (YI)? When the benefit (LI) is monopolized by oneself (SI) and therefore is at odds with righteousness (YI).”

中國自正義不謀利之說起。而讀書談道之士遂以謀利為詬病。其實利亦何必以謀為詬病哉。蓋利有義外之利。有義中之利。何謂義中之利。公其利於人而合乎義者是也。何謂義外之利。私其利於己而悖乎義者是也。

The anonymous author of the “Differentiation of righteousness and benefit” 義利辨 similarly identifies a close connection between LI-YI and GONG-SI. The author explains the concept of YI zhong zhi LI 義中之利 as rightful enjoyment of what one is entitled to, the collected taxes in the case of the ruler, the harvested crops in the case of the peasant, the remuneration that the official, the scholar and the craftsman receive for their work, and the multiplication of capital in the case of the merchant.² This contrasts with the essays briefly mentioned in chapter 3.3.2, that had ranked scholars and peasants, craftsmen and merchants, and robbers and thieves according to the descending righteousness of their benefits. The Book of Changes’s “harmony of all that is right” is achieved when every of the above groups is able to successfully strive for his legitimate benefit. “Ignoring righteousness (YI) in the pursuit of benefit (LI)” 舍義取利, on the other hand, means to pursue benefit without regard for the social obligations represented by the Five Relationships. The prime example is the official who serves the ruler while “ignoring righteousness (YI) in the pursuit of benefit (LI)” and therefore engages in corruption.

Yan Fu employs LI and yi in a comment to his paraphrase of a passage from Thomas Huxley’s *Evolution and Ethics*, the Tianyanlun 天演論. In the passage, Huxley formulates one of the central tenets of his book, that the natural tendency of the survival of the fittest must be infused with human morality that replaces primordial egoism in order to arrive at a humane society.³ State and society must counter nature and reward non-egoistic individual behavior in such a way that the fittest is not the one who profits most on the cost of others, but the one who does not harm others in the pursuit of survival. Yan Fu introduces the concept of “enlightened self-preservation” (kaiming ziying) which men should be made to pursue and which combines righteousness (YI) and utility (LI).

Huxley criticizes social Darwinist theories of society and government for their neglect of the evils of unfettered struggle for survival among individuals and peoples. It is not naturally good if mechanisms

¹Zhu & Li (1473), p. 1978.

²HCJSWTB/SHAO, 107:13a–14a.

³HXAAB/YU, 71:25b–26b.

such as the survival of the fittest that Darwin proved at work in nature also operate in society. Human governance must intervene to counter the effects of evolution. Whether the egoist or the enlightened individual is fittest depends on whether human governance is able to counter nature or not. If nature rules, the fittest is the one who can profit most at the cost of others (yi wu guang ji 役物廣已). If human governance rules, the fittest is the one who coexists peacefully with other and understands to inhibit his private interests for the love of others (chu si cun ai 黜私存愛) and mutually assist each other (xiang yang xiang sheng 相養相生).

Yan Fu notes in this context that the concept of self-preservation (ziying 自營) changes with the times. Regarding self-preservation as a taboo is based on a dichotomous view that views utility (gongli 功利) and righteousness (daoyi 道義) as necessarily incompatible and that one finds in the ancient authors both of China and of the West. After it became evident that the instinct for self-preservation was a vitally important evolutionary principle for biological organisms, the idea of “enlightened self-preservation” gained recognition in the West. Enlightened self-preservation means not to strive for achievement and benefit with the wrong intentions and by the wrong means. Enlightened self-preservation achieves benefit (LI) without turning its back to righteousness (YI), it regards “benefit (LI) on both sides” 兩利為利 as benefit but not “one-sided benefit (LI)” 獨利必不利.

In an essay on the mining industry, Chen Ciliang refutes the arguments of critics of the exploration of new mines.¹ Chen Chi argues that mining opens new sources of profit (LI) which can improve the livelihood of the people and the budget of the state. There are literati who attack the plans on the grounds that “one should beware of speaking about profit (LI)”. These people close their eyes to the fact that the people’s very existence depends on whether material profit can be generated or not, Chen says, and ignore that the presence of spirits and the sages of the past cannot save them from starving. Opponents of official mining enterprises furthermore claim that competition for profit (LI) leads to strife and ultimately to chaos, while righteousness (YI) agnostic of profit achieves makes the world peaceful” 劑天下之平. This argument is invalid, Chen argues.

“It is not so that we can do without benefit (LI) when there is righteousness (YI), rather, righteousness helps to distinguish whether a benefit is conducive to the public good (GONG) or just to private interest (SI). If the benefit is privatized (SI) by one person, we are witness of the impertinence of a petty man. If the benefit is impartially enjoyed (GONG) among everyone, we are witness of the moderation of a superior man. This criterion should decide over reward and punishment and it is intimately related to the life or death of the people. It separates man from animal.”

非既有義焉。而天下遂可以無利也。其別公私而已矣。利而私之於一身。則小人之無忌憚也。利而公之於天下。則君子之中庸也。此上大賞罰之權。斯世斯

¹HCJJWXB/YJS, 29:1a–1b.

民生死之關。而人禽之界也。

Those who are busiest telling the world not to speak of profit, Chen claims, are the most profit-obsessed of all. The true sages spoke constantly about distributing profit impartially (GONG) among the people in the world, and they certainly did not avoid speaking of profit (LI).

Conclusion

The writings included in the post-1897 compendia extend the scope of FA to include aspects previously associated with REN, most importantly monitoring and sanctioning. The writings redefine FA to refer to more general mechanisms and characteristics of the institutional framework, not just particular institutions and regulations. This builds on the conviction in many of the writings in the pre-1898 compendia that, everything being equal (especially the quality of the men in charge), some regulations are better than others in effectively achieving state goals and in preventing corruption and abuse.

The MING-SHI polarity remains most stable in terms of patterns of use of the four polarities. The writings in the post-1897 compendia primarily employ the polarity to point out implementation deficits and to dismiss claims conflicting with their own views as being out of touch with reality. Authors emphasize that both existing institutions and institutions newly established in the context of self-strengthening programs can only be effective if certain conditions are met. The conditions that authors propose to ensure congruence of MING and SHI, that is, compliance of men to regulations and institutional efficacy, do not substantially differ from those proposed in the pre-1898 compendia. They include recruitment according to aptitude, a clear task structure with clearly assigned responsibilities as well as consistent monitoring and sanctioning to hold officials accountable, and adequate remuneration (positive sanctions).

GONG and SI are conceptualized as compatible but in tension. There are legitimate private interests that are compatible with, conducive to or even constitutive of the public interest (GONG). But there are also private interests (SI), associated with corruption and autocracy, that harm the public interest (GONG). This tension necessitates a search for mechanisms and ways of understanding and establishing public interest. The traditional way of defining and working to achieve the public good (definition of the public interest by public-minded individuals specially qualified by birth or examination success) is cast into doubt and new ways to establish the public good are explored (companies with elected boards in the economic field, associations in the scientific and social fields, parliaments in the political field). Several authors redefine GONG to mean public consensus.

LI and YI are regarded as mutually dependent goals of action in the writings of the post-1897 compendia. The prospect of benefit (LI) is necessary as an incentive to engage in action. Righteousness (YI) is necessary to ensure social harmony and long-term benefit. Benefit that is compatible with righteousness cannot be one-sided benefit on the cost of others or the public but must instead fall under the definition of mutual benefit or fairly distributed benefit. Both the Five Relationships as well as Huxley's "enlightened self-preservation" are presented as examples of mutual and therefore righteous benefit in this context.

Conclusion

This dissertation has traced the use of four polarities in Qing dynasty statecraft discourse. Through observing how these polarities are used across discourses, administrative areas and ideological convictions to structure arguments, the aim was to arrive at some conclusion as to what patterns authors share in their usage of the terms, and what concerns manifest through this usage. REN-FA, MING-SHI, GONG-SI and LI-YI are polarities in so far as the relationship of the terms which constitute them is characterized by an existential tension. They appear to be opposites at times, but at other times prove to be correlatives which render each other intelligible. The authors of the writings collected in the statecraft compendia use the polarities to designate two indispensable and interdependent aspects of a problem or its solution that can be in tension with each other, but that can (or even have to) be reconciled if the state is to be well and efficiently governed.

On an abstract level, authors suggest that REN and FA, GONG and SI, MING and SHI, and LI and YI must be balanced or brought into congruence. On a concrete level, we observe a concern for efficacy that nurtures a concern for organizational control, that is meant to ensure that members of the bureaucracy work to reach state goals. Authors' proposals do not just touch upon the administrative regulations associated with a particular institution under discussion, but also aspects of internal organization, including education, recruitment, appointment, task structure, monitoring and sanctioning. This dissertation calls REN and FA the building blocks of efficacy because they represent two basic elements of bureaucracy and government. FA are the formalized rules, that is, regulations, methods or models, according to which institutions are operated. REN are the men in charge of operating the institutions according to the rules, bureaucratic personnel in most cases. MING-SHI and GONG-SI are referred to as the conditions of efficacy because they are used to formulate important conditions of effective government. For example, MING-SHI can point to the correspondence of formal responsibilities with actual performance of the bureaucratic personnel, and GONG-SI to the balance or congruence of the private interests of the bureaucratic personnel and the "public interest" of all. Authors propose to establish both conditions, the correspondence of MING and SHI and the balance of GONG and SI, by means of proper recruitment and more consistent monitoring and sanctioning, associated with REN, and by means of more adequate regulations (FA). LI and YI, finally, are called the goals of efficacy because they are employed to discuss the goals of government.

In general, authors regard both men (REN) and regulations or models (FA) as indispensable. Even negative statements about regulations (FA) such as "it is men (REN) who order the state not regulations (FA)" or "no regulation (FA) is immune against abuse" do usually not signify that the author regards regulations as dispensable. Negative statements first and foremost intend to underline that adequate reg-

ulations have no agency on their own but must be enforced to be effective. A further important point made by authors emphasizing that “it is men (REN) who order the state not regulations (FA)”, that good government must “rely on men (REN) not regulations (FA)” or “put men in charge not regulations” is the need for flexible adaption of regulations to local circumstances. In the pre-1898 compendia, FA refers to regulations pertaining to the administration of clearly circumscribed tasks and institutions such as public granaries and the salt monopoly. Many authors argue that regulations play a decisive role for the efficacy of institutions, and that regulations should provide constraints that render abuse, be it by officials or private persons, difficult and unattractive. FA furthermore refers to the administrative laws sanctioning deviant behavior of the bureaucratic personnel. REN are the “men in charge”, that is, officials, sub-official functionaries, members of the local elite, and occasionally also other players such as merchants or smugglers. Authors emphasize that the efficacy of institutions ultimately depends on the agency of the men (REN) who operate, implement and comply with regulations (FA). Superiors (REN) have to recruit, educate, monitor and sanction their subordinates (REN) in order to ensure that they are unlikely to commit abuses. In the writings of the post-1898 compendia, FA increasingly refers to the institutional framework or “law” in its entirety, including mechanisms of recruitment, appointment, monitoring and sanctioning, that authors earlier tended to associate with REN.

Authors employ MING and SHI to point to the discrepancy between formal arrangements or claims (MING) and reality (SHI). SHI refers to the actual performance of officials and other men in charge or the actual results of a policy. The MING-SHI polarity formulates a relationship between what “ought to be” and what “is” or between “saying” and “doing”. MING refers to formal arrangements such as regulations, commands, claims, official titles and task structures, and the responsibilities arising from these formal arrangements or intended policy outcomes. SHI refers to the compliance with regulations and commands, the fulfillment of responsibilities and the actual outcomes of a policy. By claiming discrepancies between what ought to be and what is, or between “saying and doing”, authors are making a moral indictment against men who do not live up to their own responsibilities or claims. Authors frame their solutions as a reestablishment of the correspondence of MING and SHI that either results from an adaption of MING to SHI, or from an adaption of SHI to MING. The adaption of SHI to MING refers to the enforcement of formal arrangements by means of monitoring and sanctioning. The adaption of MING to SHI means that the formal arrangements, that is official duties and/or regulations are adapted to the capabilities of the average man in charge (zhongREN). The use of the MING-SHI polarity remains relatively constant when comparing the writings collected in the pre-1898 and post-1898 compendia. Implementation deficits resulting from corruption, irresponsibility or inappropriate legislation remain a much discussed issue in the late 19th century and beyond.

With the GONG-SI polarity, authors discuss the relationship of public good and private interest. In particular, they discuss how orientation towards the public good (GONG) and towards private interests (SI) can be properly balanced in the minds of officials and other men in charge. Authors do not deny the possibility of legitimate private interests (SI) that harmonize with the public interest (GONG). They

differentiate between legitimate and illegitimate private interests. When depicting GONG and SI as a dichotomy, authors often implicitly refer to illegitimate private interests (SI) that negatively affect the public interest (GONG) when pursued. Some authors claim that making public-mindedness (GONG) a criterion in the recruitment of officials and constant education in public-mindedness can improve the integrity of the bureaucracy. Some authors also argue that regulations (FA) can help in minimizing opportunities for pursuing private interests (SI). Already Gu Yanwu writes about the theoretical possibility of integrating officials' private interests (SI) "into the system" so that they could contribute to the public good (GONG). The view that mechanisms exist in politics and economy that can accumulate and transform private interests into the greater public good, and thereby separate legitimate from illegitimate private interests becomes more popular in the course of the nineteenth century. According to this view, public interest is the sum of other private interests that the individual must not infringe upon in his pursuit of his own private interest. Authors in general associate compliance with regulations (FA) with an orientation towards the public good (GONG), while disregard of regulations is associated with selfishness (SI). In this context, the view is uttered that the ability to identify the public interest and to act impartially (GONG) may not result from restricting decision-making powers to a small elite of men (REN) but rather from proper institutional mechanisms (FA).

Being used to reason in terms of the benefit (LI) of administrative measures, statecraft authors emphasize the compatibility of benefit (LI) and righteousness (YI) because they feel the need to defend their proposals against conventional arguments that economic and fiscal policies are "talk about benefit (LI)" that is detrimental to public morale and harmful in the end. According to the conventional stance, any policy that is publicly called "beneficial" or rather "profitable" (LI) propagates a dangerous mindset of narrow-minded profit thinking and selfishness among officialdom and common people. Authors underline the harmonious relationship of benefit (LI) and righteousness (YI) in the highly ambiguous textual layers of the Book of Changes to counter the depiction of LI and YI as conflicting pursuits in other classics, most notably the Mencius and the Analects. The authors of the writings included in the pre-1898 compendia tend to restrict their concrete examples of policies that are compatible with righteousness (YI) to measures that promote the economic subsistence of the farming population, such as a low land tax and instruction in farming methods that increase agricultural productivity (but not explicitly state revenue). In the later compendia, the predicate "righteous" (YI) is extended to economic and fiscal policies that authors present as beneficial for the general public in the end result.

The opening lines of Wei Yuan's preface to the HCJSWB underline the interdependent nature of a number of fundamental polarities. Yu Yingshi (2013) notes the general tendency in the social, economic, and ethical thought of Qing Confucianism to relax moral absolutism and to redefine mutually exclusive polarities in relative terms. Qing thinkers were aware that moral absolutism is often connected to the problematic of power of interpretation (Interpretationshoheit). Dai Zhen declared repeatedly that "his redefinition of 'principle versus desire' was prompted by the simple fact that, more often than not, those in power condemned the basic needs of the common people as 'human desires' and summarily

rejected their demands for fulfillment in the name of ‘heavenly principles’.¹ Similarly, as discussed in chapter 4.3, Huang Zongxi criticized the autocracy of postclassical emperors on the grounds that they “violated the terms of service originally expected of a universal king. Instead of advancing the interests of the people, they abused the enormous power vested in them by identifying their supreme private interests with the common good of the empire”.²

The vocabulary of the “language of efficacy” consists of rhetorical devices. Authors used this vocabulary at times to gain a certain moral authority in order to support their own agenda, or even moral superiority over people with a rivaling agenda. For example, officials could make negative claims (MING) about the proposals of their political opponents and deny them an actual (shi) positive effect in order to advance their own agenda. Members of the local community could use their leverage on public opinion to antagonize against official policy, questioning its public (gong) benefit and reproaching the official side with selfish (si) intentions to build up public pressure and advance their own interests. Contemporaries were, however, not unaware of the rhetorical nature of their language, and of the fact that authority of interpretation is never absolute and that opponents could take recourse to the same rhetorical devices to combat their own speech acts. Examples of the consciousness of the rhetorical use of the polarities Sun Jiagan’s defense against MING-SHI rhetoric, Sun Hao’s objections against REN-FA rhetoric, Zeng Guofan’s, Huang Zongxi’s and many others’ cautioning against GONG-SI labels, and most writings underlining the compatibility of LI and YI discussed in this dissertation.

The observations presented in this dissertation illustrate Guy’s (2010) assessment referred to in the introduction that idioms that constituted “part of the common ground” of political-economic discourse “were available to articulate members of the discourse community to draw on in ways that contested the very assumptions they were conventionally resumed to convey”.³ Authors appropriate and redefine both the concepts that constitute the polarities and idioms in which the polarities figure. An example is the redefinition of “it is men (REN) who order the state not regulations (FA)” from a general principle into an undesired dysfunctional force that has to be counteracted. Authors such as Gao Chengling and Sun Jiagan argue that regulations (FA) should be the basis of administration and government, not arbitrary decisions of the men in charge (REN). Another example is the redefinition of FA to include aspects previously not attributed to FA but to REN, most notably mechanisms of monitoring and sanctioning. These means of organizational control are also invoked with the MING-SHI polarity the use of which remains relatively constant. Yet another example is the redefinition of the mechanisms to identify and realize the public good (GONG). Authors such as Huang Zongxi and Liang Qichao question the court’s capacity of defining the public good (GONG), and redefine the public good (GONG) as popular consensus. A broad range of fiscal and economic policies is redefined as righteous (YI) on the account

¹Yu (2013), p. 123.

²Ibd. Yu’s examples illustrating the new reading are “common good” and “self-interest”, “righteousness” and “profitableness”, “frugality” and “luxury”, and “heavenly principles” and “human desire”. This dissertation has examined the case of the first two.

³Guy (2010), p. 357.

that they benefit (LI) the people in the long run. Authors present the strategy to motivate officials with the prospect of personal benefits (LI) such as status and privileges as legitimate on the condition that it serves a righteous end (YI) such as spreading awareness of Confucian teachings. All these redefinitions amount to “drawing new meanings out of old linguistic figures”.¹ The flexibility that the four polarities discussed in this dissertation exhibit in Qing dynasty statecraft discourse explains their continued presence in Republican and PRC discourse.²

Polarities are a useful way to approach a body of thought that is as non-monolithic as the “Western thought” of the same period. The examination of the four polarities discussed in this dissertation raises awareness for other polarities in the thought of late imperial China worth examining, for example, morality of social results and personal virtue, Legalism and Confucianism, “rites” (li 禮) and law (FA), orientation towards present and past, “East” and “West”.³ Research into the concept of li and its relation with FA was beyond the scope of this dissertation but is facilitated by recent and forthcoming studies about the history of the Board of Rites in the Qing dynasty.⁴ There are actually many similarities in the writings of the statecraft compendia in how li and FA are discussed, for example, that both are viewed as regulating and sanctioning external behavior, not internal attitudes which cannot be effectively regulated and sanctioned, and that both must be adapted to the capacities of the “average man”.

¹Rowe (2002), pp. 289–290.

²See Jenco (2010) about REN and FA in Republican political discourse; Zhang & Deng (2008) about MING-SHI and “rectification of names” in Mao Zedong’s thought; the more recent recourse to RENzhi 人治 and FAzhi 法治 in PRC political discourse, for example in the writings of Hu Jintao’s adviser Yu Keping, see Yu (2008), amongst others; for an analysis of the role played by the categories in China’s modern history by Hongkong and Taiwan-based scholars, see Chen (2005) and Ren (2013); for Xi Jinping’s use of LI-YI in international relations, see Xinhuaawang (2014).

³Compare Polachek (1992), p. 7, on the existence of alternatives to the “celestialist” tribute-system ideology of Sino-foreign relations such as the international Machiavellianism of the Warring States period and the expansionist cosmopolitanism of the early Tang empire. Polachek argues that the question of why one ideology or “brand of tradition” prevailed at the expense of others cannot tautologically be answered on grounds of ideology alone. Similarly, Polachek challenges the view that ignores the possibility of a practical bureaucratic interest in power and posits that reform and opening was only made possible by the advent of a Western-influenced utopianism. Polachek’s stance, then, is that such a pragmatic stance very much existed early on and that the question posed should rather be why it did not prevail. Polachek furthermore contends especially for the period until 1850, the year of the outbreak of the Taiping rebellion, the answer has to be sought in central policymaking, as “local history” or domestic distractions explanations do not hold for this comparatively quiescent period. See also Dunstan (2006), p. 248, in the context of grain export bans about the role played by “cultural stereotypes”: “It is not, let me repeat, that moralistic hostility to big business per se was a substantive policy of mid-Qing administration, but that the broader, inherited political culture provided anti-merchant attitudes to be drawn upon when needed.”

⁴See Keliher (2016) and Büchsel (forthcoming).

Appendix

Translation of the preface of the HCJSWB (1826)

Practical affairs¹ are necessarily based on the heart-mind. If we create a myriad imprints with one seal, they all come out perfectly identical. If the seal is inscribed in ordinary script, can one use it to print ornate script with it? If the seal is inscribed in ornate script, can one print ordinary seal script with it? Although a scale without measuring marks is useless, the actual weight of an object is what produces the measured weight on the scale, not the other way round. Anyone who wants to properly speak about the mind has to verify it by observing practical affairs.

Standards necessarily depend on human agency. A cart with five-inch hubs can transport its load a thousand miles, but without a driver, it will not even move an inch. However, even the famous craftsmen Lu Ban and Wang Er with their sharp eyes and great imagination were not capable of building a fully functioning carriage behind closed doors. Anyone who wants to properly speak about human agency has to take standards into consideration.

The present necessarily depends on the past. The sixty-year-cycle devised by the Great Nao can be used for thousands of years without alteration. But last year's calendar cannot be used for this year, the inventions of our great-great-grandfathers and our great-grandfathers are not as convenient to use as the ones of our grandfathers and fathers. The more recent the times, the more similar the circumstances. The sages adapt their attitudes and statesmanship to the times and circumstances. Anyone who wants to talk about the lessons of the past has to check their validity in the present.

Things in the outside world (wu 物) necessarily depend on the observation of oneself (wo 我). But if two things rub against each other, something more refined results. If two minds confront each other's opinions, doubts arise. If these doubts are critically debated, a simple and viable solution results. The 'Book of Songs' says: 'Wisely arranged are the great plans; Sages devised them. What other men have in their minds, I can measure by reflection'.² It further says: 'everywhere I seek information and advice', 'everywhere I seek information and counsel'.³ This is how the people of antiquity relied on their own mind by not daring to rely upon their own mind alone. They were eager to inquire what others had in their minds, and thus broaden their own minds in an incremental process of repeated discussion and continued exchange of ideas. Anyone who wants to speak about oneself has to seek exchange with others in the external world.

¹Depending on the context, shi 事 can also be translated as actions, deeds, events, matters or facts.

²Legge (1861), 4:342.

³Legge (1861), 4:250.

That which permeates everywhere is called spirits. That which takes specific form is called affairs. Those who establish and adapt¹ are called kings and lords. Those who receive and spread are called high officials at the court and all over the country. Those who make the plans for implementation, dedicate their talents, perform all sorts of specialised tasks, tirelessly, and bring it to the whole realm are called secretaries, clerks, peasants, craftsmen, merchants and soldiers. Men standing on top of other men is called government². The replacement of one rule by the next forms the present and past. What goes through decline and blossom, decay and renewal is called the Way and the Vessel.

When lords, high officials and commoners search for the causes of the ups and downs of the Way and Vessel in order to bring order to themselves and the external world and in order to know what path to take and how to make sense of indeterminacy and change, this is called learning. Learning enables the teacher, the official, the scholar and the common man to investigate all matters concerning mind, person, family, country and realm, and to know how to correct, how to cultivate, how to order, govern and bring peace (pacify).

Rewards and punishments will stir fondness and aversion, education and nourishment will inspire happiness and joy, military action and penal law will provoke anger and lamentation.³ If one is perceptive both when it comes to the constant frame of reference and the fluctuating details, and receptive to the subtle and profound, then the need for institutional continuity will integrate nicely with the need for institutional innovation, and the results from consultations and debates will be easy to implement and put into practice. It will become apparent how to trace the most profuse and complex intricacies back to the principled nature of things which determines their dynamics.

In antiquity, the left scribe⁴ recorded all the entangled events, while the right scribe recorded all the profuse words. Events cannot be altered once they have happened, the merits and drawbacks of words are clear once they have been uttered, the path taken is fixed, all indeterminants are fully known. The former kings used these records for consultation, to keep themselves informed about the people's situation, to aggregate collective worries, to examine signs and to study ultimate reasons. They did not think that the study of things that had not yet taken shape was obscure, they did not regard the broad investigation of the basic principles of human affairs as inessential, they were not perplexed by the antinomy of light and dark (contradictions on the surface?), they did not regard overlapping rules and measures as exact duplicates of one another.

For this reason, I collected the words of famous officials, eminent scholars, brilliant literati and out-

¹The yin 因 could mean here either that established institutions are followed, or that they are adapted to the changing times, therefore, adapt was chosen as translation, which in a way strikes the best balance between both meanings.

²The term zhi 治 can not only mean government or rule, but also what government and rule intended to establish and maintain, i.e. order

³To account for the parallelism of the phrases in this sentence, all objects are rendered as the mental states or emotional expressions of the people (like and dislike, happiness and joy, anger and lamentation). The first phrase could also be translated as "using rewards and punishments to influence what the people like and dislike", but while the second phrases could still be forced into a similar schema, it is impossible to find a corresponding parallel translation for the third phrase (it would make no sense to recommend a ruler to use troops and penal law to influence what the people are angry and lament about).

⁴The antique shi 史 were in a sense proto-court historians, so shi could also be rendered as historiographer.

standing commoners, all of them significant works, into one hundred-twenty volumes, divided into eight overarching sections and sixty-three chapters. Six of the chapters are about learning, five about government, eight about state servants, twelve about households, nine about rites, twelve of them about military, three about punishments, nine about public works. This compilation was introduced by Wei Moshen [Yuan], proofread by Cao Sheng, and completed in the sixth year of the reign of Daoguang [1826], in the eleventh month of the lunar calendar.

事必本夫心。璽一也。文見於朱者。千萬如一。有璽籀篆而朱鳥跡者乎。有朱籀篆而璽鳥跡者乎。然無星之秤不可以程物，輕重生權衡，非權衡生輕重。善言心者必有驗于事矣。

法必本夫人。轉五寸之轂，引重致千里，莫御之，跬步不前。然恃目巧，師意匠，般、爾不能閉造而出合。善言人者必有資於法矣。

今必本夫古。軒撓上之甲子，千歲可坐致焉。然昨日之歷，今日不可用，高、曾器物不如祖父之適宜。時愈近，勢愈切。聖人乘之，神明生焉，經緯起焉。善言古者必有驗于今矣。

物必本夫我。然兩物相摩而精出焉，兩心相質而疑形焉，兩疑相難而易簡出焉。詩曰：秩秩大猷，聖人莫之，他人有心，予忖度之。又曰：周爰咨度，周爰咨謀。古之內恃其心也如是。古之不敢自恃其心也如是。古之必求入夫人人之心，善出其人人之心以自恢其心也如是。切焉劑焉委焉輸焉。善言我者必有乘于物矣。

蟠焉際焉之謂神。效焉法焉之謂事。創之因之謂之后王君公。承之宣之謂之大夫師牧。役智、效能、分事，亹亹達之天下謂之府史胥徒農工賈商卒伍。人積人之謂治。治相嬗成今古。有洿隆、有敝更之謂器與道。

君公卿士庶人推本，今世前世道器之洿隆所由然，以自治外治，知違從知伍參變化之謂學。學為師長，學為臣，學為士庶者也，格其心身家國天下之物，知奚以正，奚以修，奚以齊且治平者也。

統鉞其好惡，教養其喜樂，兵刑其怒哀。亹亹乎經曲，淼淼乎精微，則遵襲循守與創制同，諏詢謀議與施措同。膠葛紛紜，至纖至悉，與性命流行品物同。

殽諸事則右史所述，蹟諸言則左史所記。事者一成而不可易，言則得失粲矣，違從係矣，參伍具矣。先王以之備矇誦，知民務，集群慮，研幾微，究中極。精窮蛄螻不為奧，博周倫物不為末，元黃相反不為異，規矩符疊不為重。¹

故聚本朝以來碩公、龐儒、俊士、畸民之言，都若干篇，為卷百有二十，為綱八，為目六十有三，言學之屬六，言治之屬五，言吏之屬八，言戶之屬十有二，言禮之屬九，言兵之屬十有二，言刑之屬三，言工之屬九。則鯁理于魏君默深校于曹生，告成于道光六年柔兆閭茂之仲冬也。

Translation of the editorial principles of the HCJSWB (1826)

Selection criteria.

¹The yuan 元 here replaces the taboo character xuan 玄 (which became taboo because it appeared in the Kangxi emperor's birth name, Aisin Gioro Huiwan Yei (Xuanye) 愛新覺羅玄燁).

Every book has its purpose and the Way is realized in its practical application. If the intention is active implementation, why prefer a winding trail over a broad thoroughfare? Practical statecraft is the overarching theme of this collection of writings, a section entitled 'Learning' (xueshu 學術) provides the guiding principles. Writings that are too lofty in their subtleness or too shallow and commonplace have not been included into this section. No affairs are more relevant for us than contemporary affairs and no categorization of affairs is more complete than that of the Six Boards. But the imperial court is the source of government, the ruler and his ministers oversee all governmental functions. Therefore a section entitled 'Essence of Government' (zhiti 治體) precedes the sections on government (shuzheng 庶政, i.e. lizheng 吏政, huzheng 戶政, lizheng 禮政, xingzheng 刑政, gongzheng 工政). Writings about ancient scenarios that are impracticable under present conditions and writings so general that their practical relevance remains vague have not been included into this section.

The Qing statutes (Huidian 會典) are based on the institutions of the Ming, like the Rites of Zhou (Zhou guan 周官) reflected the institutions of the Xia and Shang. But the circumstances change over time, if abuses become too serious, they have to be counteracted. Writings on measures that were effective in previous dynasties but are of little use today have not been included.

Astronomy is a highly specialized field of which dedicated experts are in charge. The ancient musical systems are a controversial subject. Both are not priority tasks, it is not easy for people to reach expertise in them, and therefore there is no need to go into detail about them.

Narrative accounts are a genre just as important as policy discussion, but manifold events recorded in biographies are difficult to classify. We could only include commemorative accounts on defense against the Southern Barbarians and naval defense in the present work. Commemorative accounts on other topics, even the excellent works among them, have not been included.

Such are the principles that provide the thematic focus and the practical intention of this compendium.

一審取 書各有旨歸，道存乎實用，志在措正施行，何取紆途廣徑。既經世以表全編，則學術乃其綱領。凡高之過深，微卑之溺糟粕者，皆所勿取矣。時務莫切於當代，萬事莫備于六官，而朝廷為出治之原，君相乃群職之總。先之治體一門，用以綱維庶政。凡古而不宜，或汎而罕切者，皆所勿取矣。會典之沿明制，猶周官之監夏、殷，然時易勢殊，敝極必反。凡於勝國為藥石，而今日為筌蹄者，亦所勿取矣。星歷掌之專官，律呂祗成聚訟，務非當急，人難盡通，則天文樂律之屬可略焉勿詳也。論議之與叙事，本皆要文，而碑傳之紀百行，

難歸各類。今惟蠻海各防，閒存公案數則，其他紀述之作，雖工焉勿登也。例畫則義崙，宗定則志一。

Breadth of selection.

Everything that brings a benefit also comes with a downside. Sometimes an opposing view complements the original suggestion, sometimes it is just a question of perspective and both opponents are actually on the way to the same destination, and it does no harm that they set out on slightly different tracks.¹ Therefore, [if we look at the various discussions of contemporary affairs with] questions such as whether it is difficult or effortless to operate the baojia-system, whether military colonies can work out or not, whether mines should be closed down or opened, lawsuits about proper performance of burial sacrifices, controversies between advocates of different styles of taxation, controversies between North and South concerning the flow of the Yellow River, debates about whether to leave management of the salt monopoly to the merchants or convert it into an ordinary tax, whether the grain insurance levy², should go into the provincial treasury or the local official's treasury, the question of varying geographical conditions in the capital and provinces, the discussions about whether tribute grain should be transported by inland waterways or by sea, about whether the dikes constructed along the rivers Sang and Zhang should be removed, about whether the sluices built into the rivers Wu and Song should be removed, the massive opposition warning of the serious faults of the Jing Canal that has been regarded as great benefit through the ages, or the heavy critique of the downsides of the liquor ban that has been practiced since antiquity. In all these debates, one person will advocate what the next person rejects and the other way around, and it will be difficult to tell which perspective is too radical or unrealistic. The best thing we can do is to accumulate different ideas in order to increase benefits, combine two alternatives and take the happy medium. If one wants to find the optimal solution, one has to consider a broad array of options.

Intricacy or simplicity of style are no absolute criteria for the quality of a writing, only whether the statements made in it are truthful. Why should one prefer plain color over bright color by principle when even the Sages did not shun unconventional means in their strategies and teaching?

One should not reject a text for the person of its author, practical texts should not be ranked according the status of the writer. Even writing that at first sight seems like parochial talk and street gossip can sometimes be like fresh water that runs deep (provide fresh and deep insights), while in an impressive multi-volume anthology there can sometimes be a

¹This is again a paraphrase of the beginning of the fifth verse of the Xici shang in the Yijing.

²This refers to an additional levy intended to make up for loss during grain transport.

few writings that are like the faint sound of foot steps in an empty valley (a few highly relevant pieces amidst volumes over volumes of irrelevant writings).

Therefore, we have browsed everything of which copies are extant, neglecting not a single record, and we have not only checked the personal collected writings of individual authors, but also their other books and alternative versions of their works, so as to ensure broad coverage. In order to avoid being constrained by our own limited perspective, we also called upon our friends and acquaintances for consultation.

一廣存 有利必有害。論相反者，或適相成，視智亦見仁，道同歸者，無妨殊轍是以保甲之難易，軍屯之礙通，封礦之閉開，喪祭之聚訟。差徭則均雇相難，河流則南北爭持。鹽課有歸商歸稅之殊，耗羨有歸公歸官之辨。籌畿輔則水性、土性異宜，議轉漕則殷運海運旁出。桑漳築堤，而謂宜去堤，吳淞建閘，而謂宜去閘。涇渠為千古大利，而或極言其害。釀酤為古今通禁，而或極陳其難。主擯互形，偏歧難定，惟集思而廣益，庶執兩以用中，則取善之宜廣也。文無難易惟其是，詎容喜素而非丹，聖有謨訓擇于狂。未可因人以廢論，矧夫適用之文，無分高下之手。或邇言巷議，涓流輒裨高深，或大冊鴻編，足音寥同空谷。故有錄必披，無簡可略，匪但專集宜尋，亦作他書別見，則網羅之宜廣也。見聞或限於方隅，惠郵尚資夫益友。

Arrangement of content.

The choice of major sections influences the choice of chapters. If matters are complex, principles had better be profound and methods rigorous. The need for separation into topics should not prevent from the drawing of parallels across thematic boundaries for the sake of fuller comprehension.

Tribute grain, grain storage and all other matters concerning public revenue are the responsibility of the Board of Revenue, but for issues concerning the river transport of grain, the section on the Board of Public Works should also be consulted. Public spending on water conservancy projects is a matter managed by the Board of Public Works, but the related topic of famine relief in the countryside also intersects with the Board of Revenue. As 'it is people who establish order in the state, not laws by themselves', many issues related to grain storage and the *baojia*-system are strongly related to topics dealt with in the section on the Board of Appointments.¹ Only someone who knows how to order his own family is able to order the country, while the successful implementation of clan rules and family

¹ The quotation that 'it is people who establish order, not the laws [by themselves]' is from the *Xunzi*. Xun (1978), p. 40. See chapter 2.1 of this dissertation for a discussion of the statement. It is significant that Wei Yuan quotes *Xunzi* in connection with granaries and the *baojia*-system. Problems in these areas of policy arose not exactly because there were no rules and regulations, but because people, not least officials, did not abide by them, as they conflicted with their vested interests and were not effectively enforced.

rules in turn depends on proper self-cultivation, therefore all related policies have been arranged under the Ministry of Rites. The imperial lectures¹ broadly discuss national politics, and their purpose is to instruct and to initiate a return to the root of government. Customs rectify shortcomings in human interaction, and their purpose is to warn of improper behavior, resulting in a unified understanding of proper custom. Sometimes an issue that was the responsibility of the Board of Rites becomes the responsibility of the Board of Punishments, for example in case when the rules of proper behavior are violated, when even garments can become an aspect that a court passes judgment on. And then there are peasants in arms and military colonists and cadastral registration is an aspect of the *bao-jia*-system. These are all examples of texts on the same topic that have been arranged into different sections.

On the other hand, individual chapters can discuss a whole range of different topics. The chapters on famine relief cover locusts and epidemics, the chapters on agricultural policies cover silkworm cultivation and livestock breeding, the chapter on schools cover the civil service examination, the chapter on horse husbandry includes writings on the postal service, the chapters on monetary policies starts with writings on mining, the chapters on geography also touch upon the topic of fortifications. The Lower Yellow River (下河?) is intimately connected to the irrigation systems of the Huai and Yangtse delta, to file writings about it under river defence would be confusing. The Hu and Sang River are associated with river construction work in the capital area, so that it would be sloppy not to discriminate writings about them from writings on irrigation. These are all examples of writings on different topics that have been arranged into a single chapter.

And finally mind the fact that the order of succession of the writings may be fixed, but this should not prevent the reader to read two articles in parallel and let them mutually illuminate each other. With so much information on matters and methods assembled in one place, it is up to you, the esteemed reader, to choose among them, every pick of reading matter will be a good pick in this compendium.

一條理 綱舉固目張，事繁則理蹟方嚴。分疆畫界之規，豈妨會通觸類之旨。漕儲裕 國，事專戶，而河漕相關則并宜問之工矣。水利動帑，事係工，而農田救荒又牽連夫戶矣。有治人無治法，故倉儲保甲各專門者仍挈其原於吏。知治家即治國，故宗法家教皆自修者，而屬其政於禮。經筵遍陳天下之庶政，而義主陳誨，則政本歸焉。風俗備羅人事之缺失，而義箴非禮，則正俗統焉。他若出禮入刑，服制通乎斷獄；寓兵于農，保甲亦可審丁；此異而同者也。至于同類之中，各有倫族之紀。一荒政而蝗蛟疫癘胥該，一農政而蠶桑牧樹咸屬。

¹Lectures on topics from the classical books and histories held in front of the emperor that became instituted since Tang times.

學校則包貢舉，馬政則兼驛傳。錢幣先以礦廠，地利旁及城堡。下河本淮、揚水利，而入之河防則淆。漕、桑為畿甸河工，而濫之水利則混。此同而異者也。甚至數篇之內，先後毋移，兩文之間，切磋互發。物其多矣，方以聚之，右有左宜，是在君子。

Compilation and editing.

The names of all authors, their places of origin and official titles are summarized in the beginning of this compendium. Lu Yao's preface to the *Qiewenzhai wenchao* is dated to the fortieth year of the Qianlong reign (1775). Although Liu Dakui and Dai Zhen were Lu Yao's contemporaries, his *Qiewenzhai wenchao* included several of their essays on customs and current institutions. Words that are relevant for their times do not have to be published only after the deaths of their authors.

The texts recorded are all based on woodblock editions¹. When Su Shi was in Hainan nobody knew whether he was still alive or whether he had passed away. Even contemporaries of Bai Juyi's works were not sure whether his poems were modern or ancient. We have always taken those parts from books in circulation that are relevant for statecraft. Of those authors whose identity can be determined with some certainty, we indicate their names together with the titles of the texts.²

Writings are meant to solve the big problems of the time, but according to convention, they have to contain extreme praise (庶文資乎救時，復例絕夫標榜?). When discussing matters, one should strive for simplicity and clarity, but official documents are mostly lengthy and redundant, which often leads to obscurity. Suggestions should be practical and realistic, but subjective views often lead to suboptimal choices. Had we not discarded those redundancies, this would have led to writings lacking consistent literary style, which do not carry far. Had we not discarded extreme laudatory statements, this would have led to the ruining of great works just because they contain some minor faults. We have not, however, acted as Han Feizi and taken Xunzi in order to construct a more perfect version of his thought, just as we have not covered up flaws on a jade stone to make it look flawless.

一編校 氏、里、官爵總彙卷端。考陸氏切問鈔之叙，乃乾隆四十載所刊。時海峰東原巋然並存，而風俗時憲已收數作。殆以切時之言，無須身後始出。今茲所錄，咸據槧本。保無子瞻海外未辨存亡，樂天時人已疑今古。彼既行世之書，吾取經世之益。其有見聞所及，確然生存，則止旁注集名，虛其氏字。庶文資乎救時，復例絕夫標榜。若夫論事尚簡明，而公牘之蔓冗易晦；建議期切

¹This is probably to emphasize that the sources were not unreliable handwritten copies, which is not entirely true. There are a few authors in the list of authors of the HCJSWB for whose writings it is indicated that they were obtained in the form of handwritten copies (dezhi chuanchao 得之傳抄).

²The HCJSWB includes 123 writings of 54 contemporaries of the editors.

實，而臆見或擇焉不精；不節冗，將以無文妨行遠也；不去偏，將以小疵廢大醇也。豈必待韓而削荀，抑亦揜瑕以全璧。至于句讀以省瀏覽，圈識以明章段，上法老泉讀孟，近信梨洲文定云爾。

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